



Foster Family Agencies INTERIM LICENSING STANDARDS

CCR Articles 9 & RFA Subchapter 1

VERSION 2

INTERIM LICENSING STANDARDS
Chapter 8.8 Foster Family Agencies, Articles 9, and Subchapter 1

The Foster Family Agency “**Interim Licensing Standards**” (ILS) constitute the written instructions authorized by Assembly Bill 403 (Chapter 773, Statutes of 2015) for the California Department of Social Services to implement the Continuum of Care Reform Provisions that govern Foster Family Agencies on and after January 1, 2017. The ILS pertaining to the Resource Family Approval Program shall have the same force and effect as regulations and are exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with section 11340)) of Part 1 of Division 3 of Title 2 of the Government Code.

The structure of the ILS builds on the current California Code of Regulations Title 22, Division 6, Chapter 1 General Licensing Requirements and [Chapter 8.8 Foster Family Agencies](#). The ILS begin with Article 9 which incorporates the new Continuum of Care Reform mandates that all Foster Family Agencies shall comply with along with Subchapter 1: Resource Family Approval which govern the implementation of the Resource Family Approval (RFA) Program by a Foster Family Agency. Please note: The ILS implement the provisions of the County RFA Written Directives (Version 3.0).

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Article 9 – Continuum of Care Reform

88200 GENERAL

- (a) Effective January 1, 2017, a foster family agency, as defined by Health and Safety Code section 1502(a)(4), shall be governed by the interim licensing standards in this article.
- (b)
 - (1) In addition to subsection (a), a foster family agency, except where specified otherwise in this article, shall be governed by the provisions in [Articles 1-8 of Chapter 8.8, Foster Family Agencies](#), contained in Division 6, Licensing of Community Care Facilities, Title 22, Social Services, of the California Code of Regulations.
 - (2) Except for the definition of "child" as specified in Section 88001, references to a "child" in Chapters 1 and 8.8 shall include a nonminor dependent.
- (c) On and after January 1, 2017, a foster family agency shall no longer accept applications to certify foster homes but shall rather approve Resource Families in lieu of certifying foster homes.
- (d) A foster family agency shall approve or deny all certified family home applications received on or before December 31, 2016 in accordance with the laws applicable to certified family homes in accordance with [Articles 1-8 of Chapter 8.8, Foster Family Agencies](#), contained in Division 6, Licensing of Community Care Facilities, Title 22, Social Services, of the California Code of Regulations, unless the application is withdrawn.
 - (1) The approval or denial of a certified family home application received on or before December 31, 2016 may occur on or after January 1, 2017.
- (e) On or after January 1, 2017, a foster family agency that engages in recruiting and approving Resource Families shall also be governed by the provisions contained in Subchapter 1, Resource Family Approval.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and [AB 1997, Stats. 2016, Ch. 612, Sec. 131](#). Reference: Sections 1502, 1506, 1506.1, and 1517, Health and Safety Code.

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88201 DEFINITIONS

In addition to [Section 88001](#), with the exception of (c)(5) “Child”, (c)(6) “Child with special Health Care Needs,” (f)(1) “Family Health Care,” (f)(2) “Foster Family Agency,” (n)(1) “Nontreatment Agency,” (s)(3) “Social Work Personnel,”(s)(4) “Sub-office”, and (t)(1) “Treatment Agency,” the following shall apply:

- (a) (1) “Age or developmentally appropriate” means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, as defined in Welfare and Institutions Code section 362.05(c)(2).

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Welfare and Institutions Code section 362.05 provides:

(c)(2) The term “age or developmentally appropriate” means both of the following:

(A) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.

(B) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

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- (b) (Reserved)
- (c) (1) "Child" means a person who is under 18 years of age placed with or being considered for placement in a certified family home or with a Resource Family by a placement agency with or without a court order.
- (2) “Child and family team” means as defined in Welfare and Institutions Code section 16501(a)(4).

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Welfare and Institutions Code section 16501(a)(4) provides:

“ ‘Child and family team’ means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and his or her family, and to help achieve positive outcomes for safety, permanency, and well-being.

(A) The activities of the team shall include, but not be limited to, both of the following:

(i) Providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.

(ii) Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.

(B) The child and family team process shall engage the child or youth, the child’s family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, the caregiver, the placing agency caseworker, a representative from a foster family agency or short-term residential treatment center with which a child or youth is placed, a county mental health representative, a representative from the regional center when the child is eligible for regional center service, and a representative of the child’s or youth’s tribe or Indian custodian, as applicable. As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential treatment center or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child’s case who is represented by an attorney may consult with his or her attorney regarding this process. The child or youth and his or her family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency.”

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- (3) “Child with special health care needs” means the following, as defined in Welfare and Institutions Code section 17710(a):
- (A) A child, or a person who is 22 years of age or younger, who is completing a publicly funded education program, who meets both of the following requirements:
1. Has a condition that can rapidly deteriorate resulting in permanent injury or death, or a medical condition that requires specialized in-home health care.
 2. Has been adjudged a dependent of the court pursuant to Welfare and Institutions Code section 300, is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
- (4) “Continuous Quality Improvement” or “CQI” means the process of identifying, describing, and analyzing strengths and problems and then testing, implementing, learning from, and revising solutions to improve the quality of services.
- (5) “Core services and supports” has the same meaning as “core services” as defined in Welfare and Institutions Code section 11463(b)(5).

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Welfare and Institutions Code Section 11463 (b)(5) provides:

“Core services, made available to children and nonminor dependents either directly or secured through agreements with other agencies, which are trauma informed and culturally relevant and include:

- (A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9, of the California Code of Regulations.
- (B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.
- (C) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.
- (D) Activities designed to support transition-age youth and nonminor dependents in achieving a successful adulthood.

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(E) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, tribes, or others important to the child or youth, as appropriate.

(F) When serving Indian children, as defined in subdivisions (a) and (b) of Section 224.1, the core services specified in subparagraphs (A) to (E), inclusive, shall be provided to eligible children consistent with active efforts pursuant to Section 361.7.

(G) The core services specified in subparagraphs (A) to (F), inclusive, are not intended to duplicate services already available to foster children in the community, but to support access to those services and supports to the extent already available. Those services and supports may include, but are not limited to, foster youth services available through county offices of education, Indian Health Services, and school-based extracurricular activities.

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(6) “Cultural humility” means the ability to maintain an interpersonal stance that is open to another individual in relation to aspects of cultural identity that is most important to that individual.

(7) “Culturally relevant” means program practices, services, and supports provided to children or nonminor dependents and families which incorporate or embrace their unique cultural characteristics and diverse backgrounds.

(d) – (e) (Reserved)

(f) (1) “Family health care” means health care which does not require the skills of qualified technical or professional personnel and is provided to a child by the foster parent in accordance with Section 88487.15.

(2) “Foster family agency” means as defined in Health and Safety Code section 1502 (a)(4).

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Health and Safety Code section 1502 (a)(4) provides:

“Foster family agency’ means any public agency or private organization, organized and operated on a nonprofit basis, engaged in any of the following:

(A) Recruiting, certifying, approving, and training of, and providing professional support to, foster parents and Resource Families.

(B) Coordinating with county placing agencies to find homes for foster children in need of care.

(C) Providing services and supports to licensed or certified foster parents, county-approved Resource Families, and children to the extent authorized by state and federal law.”

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- (g) (1) “Gender expression” refers to the ways a person communicates their gender identity through clothing, haircut, behavior, and interaction with others.
- (2) "Gender identity" means a person’s internal identification or self-image as male, female, or other.
- (h) (Reserved)
- (i) (1) “Intersectionality” means the study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination including, but not limited to, race, class, sex, gender identity, sexual orientation, religion, ethnicity, age, education, and disability.
- (j)-(m) (Reserved)
- (n) (1) “Needs and services plan” means a time-limited, goal-oriented written plan that identifies the specific needs of a child.
- (2) "Nonminor dependent" means a foster child who is at least 18 years of age and not more than 21 years of age or a nonminor former dependent or ward, as defined in Welfare and Institutions Code section 11400.

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Welfare and Institutions Code section 11400(v) provides:

"'Nonminor dependent' means, on and after January 1, 2012, a foster child, as described in Section 675(8)(B) of Title 42 of the United States Code under the federal

Social Security Act who is a current dependent child or ward of the juvenile court, or a nonminor under the transition jurisdiction of the juvenile court, as described in Section 450, who satisfies all of the following criteria:

(1) He or she has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, or not more than 21 years of age on or after January 1, 2014, and as described in Section 10103.5.

(2) He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1.

(3) He or she is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403."

Welfare and Institutions Code section 11400(aa) provides:

"'Nonminor former dependent or ward' means, on and after January 1, 2012, either of the following:

(1) A nonminor who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

(2) A nonminor who is over 18 years of age and, while a minor, was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Section 360 or 366.26, or subdivision (d), of Section 728 and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship."

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(o) (Reserved)

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- (p) (1) "Placement agency," including "placing agency," means as defined in Health and Safety Code section 1536.1.

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Health and Safety Code section 1536.1(a) provides:

“Placement agency” means a county probation department, county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and regional center for persons with developmental disabilities, that is engaged in finding homes or other places for placement of persons of any age for temporary or permanent care.”

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- (2) "Pre-placement appraisal" means the document that confirms a nonminor dependent does not pose a threat to children in a home and that a certified parent or Resource Family can meet the needs of the nonminor dependent.
- (3) “Psychological safety” means a concept of feeling safe, promotes a sense of well-being, and actively works to prevent harm to a child or nonminor dependent’s psychological health.
- (q) (Reserved)
- (r) (1) **“Reasonable and Prudent Parent” or “Reasonable and Prudent Parent Standard”** means the careful and sensible parental decisions that maintain a child’s health, safety, and best interests, as defined in Welfare and Institutions Code section 362.05.

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Welfare and Institutions Code section 362.05 provides:

(c)(1) “Reasonable and prudent parent” or “reasonable and prudent parent standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

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- (2) “Resource Family” means an individual or family as defined in Health and Safety Code section 1517(a)(2).

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Health and Safety Code section 1517 (a)(2) provides in part:

“‘[R]esource family’ means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as set forth in Section 16519.5 of the Welfare and Institutions Code, necessary for providing care for a related or unrelated child who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department.”

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- (3) “Respite care” means temporary care for a period of time approved by a county child welfare agency or probation department and not provided for the purpose of routine, ongoing child care, as defined in Welfare and Institutions Code section 16501(b).

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Welfare and Institutions Code section 16501 (b) provides in part:

“‘[R]espice care’ means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month pending the development of policies and regulations in consultation with county placing agencies and stakeholders. This care may be provided to the child’s parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing child care.”

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- (s) (1) “‘Seriously emotionally disturbed” means as defined in Welfare and Institutions Code section 5600.3 (a)(2).

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Welfare and Institutions Code section 5600.3 (a)(2) provides in part:

“‘[S]eriously emotionally disturbed children or adolescents’ means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child’s age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

(A) As a result of the mental disorder, the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

(i) The child is at risk of removal from home or has already been removed from the home.

(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

(C) The child has been assessed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code and determined to have an emotional disturbance, as defined in paragraph (4) of subdivision (c) of Section 300.8 of Title 34 of the Code of Federal Regulations.”

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- (2) "Sexual orientation" describes a person's emotional, romantic or sexual attraction to others that **may be** shaped at an early age.
 - (3) "Social work personnel" means individuals who provide the services specified in Section 88265.3.
 - (4) "Suboffice" means any additional, independently licensed office set up by the foster family agency to supplement the services provided by the administrative office.
 - (t) (1) "Transgender" means a person whose gender identity does not correspond with their anatomical sex. A transgender girl or woman is a girl or woman whose birth sex was male but who understands herself to be female. A transgender boy or man is a boy or man whose birth sex was female but who understands himself to be male.
 - (2) "Transitional independent living plan (TILP)" means the written plan that describes programs, services, and activities in which a child or nonminor dependent participates to prepare for the transition from foster care to independent living.
 - (3) "Trauma informed" means program interventions, practices, services, and supports that recognize and respond to the varying impact of traumatic stress on children, nonminor dependents, and their families, certified parents, Resource Families, and those who have contact with the child welfare system.
- (u)-(z) (Reserved)

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; Section 17730, Welfare and Institutions Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**, Reference: Sections 1502, 1506, and 1517, Health and Safety Code; and Sections 5600.3 11403, 11463, and 16501, Welfare and Institutions Code.

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Article 9.2—License

88208 LICENSING OF INTEGRAL PROGRAM COMPONENTS

- (a) [Section 88008](#) shall not apply to a foster family agency.
- (b) Notwithstanding Section 80008, the licensing agency shall issue a separate license to each suboffice **after the suboffice has complied with the application requirements specified in Section 88218, Application for Licensure.**

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code and **AB 1997, Stats. 2016, Ch. 612, Sec. 131.** Reference: Sections 1509, 1530, and 1534, Health and Safety Code.

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88209 POSTING REQUIREMENTS

- (a) [Section 88009](#) shall not apply to a foster family agency.
- (b) A current, valid license shall be posted in a prominent, publicly accessible location in the administrative office and in each suboffice of the foster family agency.
- (c) Information for the licensing agency's complaint hotline shall be posted in a prominent, publicly accessible location in the administrative office and in each suboffice of the foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code and [AB 1997, Stats. 2016, Ch. 612, Sec. 131](#). Reference: Section 1530 and 1508, Health and Safety Code

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88210 **LIMITATIONS ON LICENSE**

- (a) Section 80010 shall apply to a foster family agency.
- (b) Section 88010 shall not apply to a foster family agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1508, Health and Safety Code.

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Article 9.3—Application Procedures

88218 APPLICATION FOR LICENSURE

- (a) In addition to [Section 88018](#), excluding Section 88018(a)(6), the following shall apply:
- (b) Prior to submitting an application, an applicant shall obtain at least one letter of recommendation from a county placing agency for its program.
 - (1) To obtain a letter of recommendation, an applicant shall submit a copy of its program statement and information as specified in Section 88222, Plan of Operation, to all county placing agencies from which it anticipates receiving placements or for which services may be provided, including the county in which the facility will be located.
 - (2) Once an applicant receives a letter of recommendation from a county placing agency, the applicant may submit its application to the licensing agency designated to serve the foster family agency proposed geographic area of service.
- (c) An application and supporting documentation shall contain the following:
 - (1) Documentation of accreditation or application for accreditation, as required by Section 88289(c)(2).
 - (2) A plan of operation, as specified in Section 88222.
 - (3) At least one letter of recommendation in support of its program from a county placing agency.
 - (A) A list of all the county placing agencies to whom the applicant’s program statement was submitted, as required by Health and Safety Code section 1506.1(e)(2).
 - (B) Copies of documentation received by the applicant from all county placing agencies in response to the applicant’s request for a letter of recommendation.

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Health and Safety Code section 1506.1(e) provides:

“(1)(A)(i) A foster family agency applicant shall submit an application to the department that includes a letter of recommendation in support of its program from a county placing agency.

(ii) The letter of recommendation shall include a statement that the county placing agency reviewed the applicant’s program statement.

(iii) If the letter of recommendation is not from the county in which the facility is located, the foster family agency applicant shall include with its application a statement that it provided the county in which the facility is located an opportunity for that county to review the program statement and notified that county that the facility has received a letter of recommendation from another county.

(B) If the application does not contain a letter of recommendation as described in subparagraph (A), then the department shall cease review of the application. Nothing in this paragraph shall constitute a denial of the application for purposes of Section 1526 or any other law.

(C) A new letter of recommendation is not required when a foster family agency moves locations.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code, and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1506.1 and 1520 Health and Safety Code.

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88219 CRIMINAL RECORD CLEARANCE

- (a) In addition to [Section 88019](#), the following shall apply:
- (1) A nonminor dependent shall not be subject to a criminal background clearance pursuant to Health and Safety Code section 1502.7.

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Health and Safety Code section 1502.7(b)(2) provides:

"(b) The regulations shall recognize the status of nonminor dependents as legal adults. At a minimum, the regulations shall provide both of the following:

(1) (Cont'd)

(2) That nonminors described in subdivision (a) in a community care facility shall not be subject to criminal background clearances pursuant to Sections 1522 and 1522.1, for the purposes of facility licensing."

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NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code and [AB 1997, Stats. 2016, Ch. 612, Sec. 131](#). Reference: Sections 1502.7, 1522, 1522.1, and 1531, Health and Safety Code.

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88222 **PLAN OF OPERATION**

- (a) Sections 80022 and 88022 shall not apply to an applicant or foster family agency.
- (b) This section shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) A foster family agency shall have and maintain on file a current, written, definitive plan of operation that is culturally relevant, trauma-informed, and age and developmentally appropriate.
- (d) The plan of operation, and related materials, shall contain the following:
 - (1) A program statement as specified in Section 88222.1.
 - (2) Statement of admission policies and procedures regarding acceptance of children or nonminor dependents.
 - (3) A copy of the admission agreement.
 - (4) A description of the administrative organization, including the parent organization, if applicable.
 - (5) The location, including street address and mailing address, if different, for the administrative office and each suboffice.
 - (6) A staffing plan that shall include:
 - (A) Complete job descriptions of all foster family agency positions, including number, classification, qualification, and duties of staff.
 - (B) Information regarding lines of authority and staff responsibilities.
 - (C) Use of translators, multilingual staff, and multicultural staff to provide services to support the program population.
 - (D) Organizational strategies to enhance the well-being and resiliency of program staff.
 - (7)
 - (A) A description regarding how the foster family agency will engage, coordinate, and contract with community resources, including, but not limited to, tribes, county placing agencies, and mental health providers.
 - (B) Community engagement may include:
 - 1. Providing services, including core services and supports, to children, nonminor dependents, and families.

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2. Establishing culturally relevant and trauma-informed program practices, services, and supports.
 3. Training, coaching, and other supports for staff and administrators.
 4. Recruitment and retention of Resource Families.
- (8) Policies and procedures for continuous quality improvement as specified in Section 88263.
- (9) Policies and procedures that the foster family agency shall maintain to ensure that the agency and its employees and independent contractors do not violate the terms of The Child Abuse and Neglect Reporting Act (CANRA) which include:
- (A) A supervisor or administrator shall not impede or inhibit the reporting duties of a mandated reporter.
 - (B) A foster family agency shall not sanction, punish, or discipline any person for making a report.
 - (C) A foster family agency shall not direct an employee or independent contractor to allow his or her supervisor to file or process a mandated report on their behalf or require an employee to disclose his or her identity to the employer.
- (10) Procedures for the development, maintenance, and implementation of removal and transition procedures for children and nonminor dependents placed with the foster family agency.
- (11) A sketch of the building to be occupied, including a floor plan which describes the capacities of the buildings for the uses intended and room dimensions.
- (12) A statement whether or not the foster family agency will handle a child's or nonminor dependent's money, personal property, and/or valuables. If money, personal property, and/or valuables will be handled, the method for safeguarding shall ensure compliance with Sections 80025 and 80026.
- (13) A plan for the use of delayed egress devices by certified parents and Resource Families consistent with applicable laws.

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Health and Safety Code Sections 1531.1(g) and (h) provides in part:

“(g) The facility shall develop a plan of operation approved by the State Department of Social Services that includes a description of how the facility is to be equipped with egress control devices that are consistent with regulations adopted by the State Fire Marshal pursuant to Section 13143 of the Health and Safety Code.”

“(h) The plan shall include, but shall not be limited to, all of the following:

- (1) A description of how the facility will provide training for staff regarding the use and operation of the egress control devices utilized by the facility.
- (2) A description of how the facility will ensure the protection of the residents' personal rights consistent with Sections 4502, 4503, and 4504 of the Welfare and Institutions Code.
- (3) A description of how the facility will manage the person's lack of hazard awareness and impulse control behavior.
- (4) A description of the facility's emergency evacuation procedures.”

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- (14) For a county licensed to operate a foster family agency, a description of its conflict-of-interest mitigation plan, as set forth in Welfare and Institutions Code Section 11462.02(g).

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Welfare and Institutions Code section 11462.02(g) provides:

“Counties licensed to operate a foster family agency or short-term residential treatment center shall, as a condition to receiving payment, ensure that its conflict-of-interest mitigation plan, submitted to the department pursuant to subdivision (d) of Section 1506.1 and subdivision (d) of Section 1562.01 of the Health and Safety Code, addresses, but is not limited to, the following:

- (1) A decision to place children and youth in a county-operated facility when alternative appropriate placement options exist.
- (2) The reporting by county staff to the department or other agencies of observed noncompliant conditions or health and safety concerns in county-operated foster family agencies or short-term residential treatment centers.
- (3) The cross-reporting of reports received from mandatory child abuse and neglect reporters involving county-operated foster family agencies and short-term residential treatment center programs.
- (4) Disclosures of fatalities and near fatalities of children placed in county-operated foster family agencies and short-term residential treatment centers.”

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- (15) If a foster family agency contracts with other entities, including counties, a description of its conflict-of-interest mitigation plan.
- (e) Any changes in the plan of operation which affect the services to children or nonminor dependents shall be subject to licensing agency approval and shall be reported as specified in [Section 88061](#).
- (f) A foster family agency shall operate in accordance with the terms specified in its plan of operation.

NOTE: Authority: Section 1501, 1530, and 1531, Health and Safety Code; and [AB 1997, Stats. 2016, Ch. 612, Sec. 131](#). Reference: Section 51, Civil Code; Sections 1501, 1506, 1506.1, 1506.7, 1507, 1512, 1517, 1520, 1528, 1529.2, 1531, and 1531.1, Health and Safety Code; Section 11174.1, Penal Code; and Section 16001.9, Welfare and Institutions Code.

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88222.1 PROGRAM STATEMENT

- (a) A foster family agency's shall have and maintain on file a current, written, definitive program statement that is culturally relevant, trauma-informed, and age and developmentally appropriate.
- (1) A program statement that is culturally relevant will include interventions, practices, services and supports that recognize the diverse backgrounds of children, nonminor dependents, and their families
- (A) The interventions, practices, services and supports shall be tailored to the unique cultural characteristics of the child or nonminor dependent so that the services are relevant from the child's or nonminor dependent's perspective and appropriate to their needs without denying or delaying placement because of race, color, national origin, or ethnicity.
- (2) A program statement that is trauma informed will include interventions, practices, services and supports that recognize the following:
- (A) A child or nonminor dependent's need to be respected, informed, connected, and hopeful regarding his or her own experience with trauma.
- (B) The interrelationship between trauma and symptoms of trauma including, but not limited to, substance abuse, eating disorders, depression, and anxiety.
- (C) The need to work in a collaborative way with a child or nonminor dependent, his or her family and friends, and human services agencies in a manner that will empower the child or nonminor dependent.
- (b) The program statement shall contain a description of the following:
- (1) Goals of the foster family agency program.
- (2) The age range, sex, gender, and population of persons to be served, including, but not limited to, children, nonminor dependents, persons with physical or developmental disabilities, mental disorders, or non-ambulatory persons.
- (A) If the foster family agency plans to serve a specific population, the program statement shall include the details for any models or interventions that will be used to tailor services to the specific population, including

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how the foster family agency will serve lesbian, gay, bisexual, transgender, or queer/questioning children, nonminor dependents, and families.

1. The program statement shall describe how the foster family agency will engage the community, community-based organizations, or providers that work with the specific population.
 - (B) If the foster family agency provides vocational training to children or nonminor dependents, the program statement shall include the skills taught, goals of the training, materials provided, number of hours per day, and days per week.
 - (C) If the foster family agency intends to serve nonminor dependents, it shall include a description of programs or services to be provided consistent with assisting a nonminor dependent in preparing for the transition to independent living.
- (3) The foster family agency ability to support:
 - (A) The differing needs of children, nonminor dependents, and families.
 - (B) To support children, nonminor dependents, and families from different backgrounds or experiences, including race, ethnicity, sexual orientation, gender identify, or a child or nonminor dependent who is gender non-conforming.
- (4) The plan for the supervision, evaluation, and training of staff. Training shall be appropriate to meet the differing needs of children, nonminor dependents, and families and shall include:
 - (A) An employee orientations, in-service education, initial and ongoing training, the types of training to be provided, who will conduct the training, and who will be required to attend each training.
 - (B) An in-service education plan shall include the position or person who will conduct the training, including qualifications, approximate length of training, initial and annual training curricula, special training needs that

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will be identified and met, and specific training for the facility administrator.

(C) Initial and ongoing training regarding:

1. Effective trauma informed services which may include training on how to identify trauma types, symptoms of trauma, trauma triggers, appropriate trauma-informed interventions, and secondary trauma for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
 2. Effective culturally relevant service and supports which may include training about sexual orientation, gender expression, gender identity, privilege, oppression, cultural humility, intersectionality, and bias for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
 3. Child abuse identification, prevention, and treatment for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
 4. Child's or nonminor dependent's right to have a fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
- (5) Utilization, screening, and training of volunteers assisting the foster family agency.

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- (6) The procedures for the development, review, implementation, and modification of the needs and services plans for children and nonminor dependents placed with the foster family agency or served by the foster family agency to:
 - (A) Ensure consistency with the case plan as developed by the county placing agency and recommendations by the child and family team.
 - (B) Support the reasonable and prudent parent standard as defined in Section 362.05 of the Welfare and Institutions Code.
 - (C) Include procedures for collaborating with the child and family team as described in Welfare and Institutions Code section 16501(a)(4).
 - (D) Identify how children and nonminor dependents will be assessed and the frequency of assessment.
- (7) How the foster family agency will participate in, collaborate with, and support the goals of the child and family team.
- (8) Emergency response services to be provided by the foster family agency, including during evenings, weekends, and holidays, and during disasters, such as earthquakes, fires, floods, etc..
- (9) Culturally relevant services.
- (10) The core services and supports, as set forth in Section 88278.1, to be offered to children, nonminor dependents, and their families, to include the practices that will be used to ensure all core services and supports are trauma informed and culturally relevant, as appropriate or as necessary.
- (11) How the foster family agency will provide or arrange for additional services and supports to children, nonminor dependents, and families during placement and post-permanency.
 - (A) The name and location of each entity the foster family agency is working with, either formally via a contract or informally, to provide culturally relevant and trauma informed services and supports to children and nonminor dependents.
 - 1. A description of how the foster family agency will ensure services and supports provided pursuant to (b)(11)(A) protect the health and

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safety of children and nonminor dependents and maintain the confidentiality and privacy of information and documentation.

- (12) Transportation arrangements for children or nonminor.
- (13) A plan for the recruitment, retention, training, supervision, and support of Resource Families to meet the needs of children or nonminor dependents, consistent with the training requirements set forth in Welfare and Institutions Code section 16519.5. The training plan shall:
 - (A) Describe the training topics, who will conduct the trainings, and the training hours required by the foster family agency.
 - (B) To the extent possible, be consistent with the training requirements set forth by the county placing agency as required by Health and Safety Code section 1506.1.
 - (C) If the foster family agency chooses to approve Resource Families, then, in addition to subparagraph (A), the training shall be consistent with the training provided to Resource Families pursuant to Welfare and Institutions Code section 16519.5.
- (14) How the foster family agency will provide or arrange for treatment services to meet the individual needs of children or nonminor dependents placed with certified family homes or Resource Families, as specified in Welfare and Institutions Code section 11402.
- (15) Services and supports to be provided to certified parents and Resource Families that are culturally relevant and trauma-informed.
- (16) How the agency will support certified families and Resource families in the child and family team process.
- (17) A plan for training, supervision, and support for certified parents that include the following:
 - (A) Annual training of certified parent shall include training in child abuse identification, prevention, and treatment. The training plan shall also include training required by Health and Safety Code section 1529.2.

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Health and Safety Code section 1529.2 provides:

“(a) It is the intent of the Legislature that all foster parents have the necessary knowledge, skills, and abilities to support the safety, permanency, and well-being of children in foster care. Initial and ongoing preparation and training of foster parents should support the foster parent’s role in parenting vulnerable children, youth, and young adults, including supporting the children’s connection with their families. Their training should be ongoing in order to provide foster parents with information on new practices and requirements and other helpful topics within the child welfare and probation systems and may be offered in a classroom setting, online, or individually.

(b) A licensed or certified foster parent shall complete a minimum of eight training hours annually, a portion of which shall be from one or more of the following topics, as prescribed by the department, pursuant to subdivision (a):

(1) Age-appropriate child and adolescent development.

(2) Health issues in foster care, including, but not limited to, the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic or other medications, and trauma, mental health, and substance use disorder treatments for children in foster care under the jurisdiction of the juvenile court, including how to access those treatments. Health issues in foster care, including, but not limited to, the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic or other medications, and trauma, mental health, and substance use disorder treatments for children in foster care under the jurisdiction of the juvenile court, including how to access those treatments, as the information is also described in subdivision (d) of Section 16501.4 of the Welfare and Institutions Code.

(3) Positive discipline and the importance of self-esteem.

(4) Preparation of children and youth for a successful transition to adulthood.

(5) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(6) Instruction on cultural competency and sensitivity and related best practices for providing adequate care for children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.

(c) In addition to any training required by this section, a foster parent may be required to receive specialized training, as relevant, for the purpose of preparing the foster parent to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

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- (1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.
- (2) Understanding cultural needs of children, including, but not limited to, cultural competency and sensitivity and related best practices for providing adequate care to children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.
- (3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.
- (4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership and connection to the tribal community and traditions.
- (5) Understanding how to use best practices for providing care and supervision to nonminor dependents.
- (6) Understanding how to use best practices for providing care and supervision to children with special health care needs.
- (d) No child shall be placed with a foster parent unless each foster parent in the home meets the requirements of this section.
- (e) (1) Upon the request of the licensed or certified foster parent for a hardship waiver from the annual training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the training requirement or extend any established deadline for a period not to exceed one year, if the training requirement presents a severe and unavoidable obstacle to continuing as a foster parent.
 - (2) Obstacles for which a county may grant a hardship waiver or extension are:
 - (A) Lack of access to training due to the cost or travel required or lack of child care to participate in the training, when online resources are not available.
 - (B) Family emergency.
 - (3) Before a waiver or extension may be granted, the licensed or certified foster parent should explore the opportunity of receiving training online or by video or written materials.
- (f) (1) Foster parent training may be obtained through sources that include, but are not necessarily limited to, community colleges, counties, hospitals, foster parent associations, the California State Foster Parent Association's conference, online resources, adult schools, and certified foster parent instructors.
 - (2) In addition to the foster parent training provided by community colleges, foster family agencies shall provide a program of training for their certified foster families.
- (g) (1) Training certificates shall be submitted to the appropriate licensing or foster family agency.

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- (2) Upon completion, a licensed or certified parent shall submit a certificate of completion for the annual training requirements.
- (h) Nothing in this section shall preclude a county or a foster family agency from requiring foster parent training in excess of the requirements in this section.
- (i) This section shall become operative on January 1, 2017.
- (j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.”

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- (B) A written statement identifying the frequency of home visits by staff overseeing compliance in homes and how plans for correction of problems are handled.
- (C) A description of how the foster family agency will convert its existing certified family homes to approved Resource Families by December 31, 2019.
- (18) (A) If the foster family agency chooses to approve Resource Families, then how the foster family agency will comply with the resource family approval standards and requirements, as specified in Subchapter 1, Resource Family Approval, commencing with Section 88300.
- (B) A resource family program implementation plan that includes:
1. An orientation for staff and families.
 2. A staff development process, whereby staff enhance their knowledge, skills, and abilities to ensure they can effectively approve, monitor, and support Resource Families.
 3. Recruitment and hiring of new personnel, as necessary.
 4. Outreach, recruitment, and support for Resource Family applicants.
 5. Retention and support services for certified parents converting to Resource Families.
 6. Any other strategies or approaches to be utilized to successfully implement the resource family approval program, including working with licensed adoption agencies, if applicable.

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- (19) A foster family agency that chooses not to approve Resource Families pursuant to Health and Safety Code section 1517 shall describe the conversion plan for its certified family homes to obtain resource family approval prior to December 31, 2019.
- (20) A detailed description of the foster family agencies policies and procedures for the following:
- (A) Cultural humility and sensitivity.
 - (B) Complaints and grievances. Policies and procedures shall identify:
 - 1. How children, nonminor dependents, and authorized representatives can obtain information regarding the foster family agency's complaint and grievance policies.
 - 2. How children, nonminor dependents, and their authorized representatives will be informed of his or her right to file a complaint or grievance.
 - (C) Participation and assistance with any county or state initiatives to improve the child welfare system.
 - (D) Family visitation and other communication with children pursuant to Health and Safety Code section 1512.

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Health and Safety Code section 1512 provides:

“Each residential community care facility shall state, on its client information form or admission agreement, and on its patient’s rights form, the facility’s policy concerning family visits and other communication with resident clients and shall, except as otherwise provided in this section, promptly post notice of its visiting policy at a location in the facility that is accessible to residents and families. The requirement that a facility post notice of the facility’s visiting policy does not apply to any facility serving six or fewer clients.

The community care facility’s policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility.”

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- (E) Planned activities.
 - (F) House rules that may be utilized by certified parents and Resource Families.
 - (G) Food, clothing, incidentals, etc.
 - (H) Personal rights.
 - (I) Discipline policies that may be utilized by certified parents and Resource Families.
 - (J) Any other policies or procedures,
- (21) Documentation of accreditation or a copy of the application for accreditation, as required by Section 88289.
 - (22) Description of how the foster family agency will provide children or nonminor dependents with access to appropriate mental health services, as required by Section 88289.1.
- (c)
 - (1) Any changes in the program statement which affect the services to children or nonminor dependents shall be subject to licensing agency approval.
 - (2) A foster family agency shall also submit a copy of its updated program statement **and information as specified in Section 88222, Plan of Operation** to all county placing agencies with which placements are coordinated or for which services are provided, including the county in which the facility is located, for optional review.
 - (A) A foster family agency shall submit to the licensing agency a list of the county placing agencies to whom its program statement was submitted pursuant to paragraph (2).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** Reference: Section 51, Civil Code; Sections, 1506.1, and 1529.2, Health and Safety Code.

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88227 INITIAL APPLICATION REVIEW

- (a) In addition to [Section 80027](#), the following shall apply:
- (b) (1) If a foster family agency application does not contain a letter of recommendation, as required by Health and Safety Code section 1506.1(e)(1)(A), then the licensing agency shall cease review of the application.
- (c) Nothing in subsection (b) above shall constitute a denial of the application for purposes of Health and Safety Code section 1526 or any other law.

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Health and Safety Code section 1506.1(e)(1)(A) provides:

- “(i) A foster family agency applicant shall submit an application to the department that includes a letter of recommendation in support of its program from a county placing agency.
- (ii) The letter of recommendation shall include a statement that the county placing agency reviewed the applicant’s program statement.
- (iii) If the letter of recommendation is not from the county in which the facility is located, the foster family agency applicant shall include with its application a statement that it provided the county in which the facility is located an opportunity for that county to review the program statement and notified that county that the facility has received a letter of recommendation from another county.”

Health and Safety Code section 1526 provides:

“Immediately upon the denial of any application for a license or for a special permit, the state department shall notify the applicant in writing. Within 15 days after the state department mails the notice, the applicant may present his written petition for a hearing to the state department. Upon receipt by the state department of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department has all the powers granted therein.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and [AB 1997, Stats. 2016, Ch. 612, Sec. 131](#). Reference: Section 1506.1, Health and Safety Code.

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88235 USE OF COUNTY-APPROVED RESOURCE FAMILIES

- (a) In addition to Section 88035, the following shall apply:
- (b) A foster family agency may use a county-approved resource family as provided in Health and Safety Code section 1506.5.

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Health and Safety Code section 1506.5 provides:

- (a) Foster family agencies shall not use foster family homes licensed by a county or resource families approved by a county without the approval of the licensing or approving county. When approval is granted, a written agreement between the foster family agency and the county shall specify the nature of administrative control and case management responsibility and the nature and number of the children to be served in the home.
- (b) Before a foster family agency may use a licensed foster family home it shall review and, with the exception of a new fingerprint clearance, qualify the home in accordance with Section 1506.
- (c) When approval is granted pursuant to subdivision (a), and for the duration of the agreement permitting the foster family agency use of the licensed foster family home or county-approved resource family, no child shall be placed in that home except through the foster family agency.
- (d) Nothing in this section shall transfer or eliminate the responsibility of the placing agency for the care, custody, or control of the child. Nothing in this section shall relieve a foster family agency of its responsibilities for or on behalf of a child placed with it.

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- (c) A foster family agency shall approve a county-approved resource family by documenting that the resource family is willing and able to meet any additional training required by the foster family agency in order to provide the appropriate level of services to the children or nonminor dependents placed with the resource family.
- (d) A foster family agency shall provide social work services to children, nonminor dependents, and resource families.

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- (e) A foster family agency shall maintain the following records on file for all county-approved resource families used by the agency:
- (1) A copy of the written agreement between the county and the foster family agency.
 - (2) A copy of the current county resource family written report.
 - (3) A copy of the documentation described in subsection (c).

Note: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506, 1506.5 and 1530, Health and Safety Code.

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88264 ADMINISTRATOR-QUALIFICATIONS AND DUTIES

- (a) Sections 80064 and 88064 shall not apply to an applicant or foster family agency.
- (b) The following shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) The administrator shall have the following qualifications:
 - (1) Attainment of at least 18 years of age.
 - (2) Knowledge of the requirements for providing the type of care and supervision needed by the child or nonminor dependent, including ability to communicate with the child or nonminor dependent.
 - (3) Knowledge of and ability to comply with applicable law, regulation, and interim licensing standards.
 - (4) Ability to maintain or supervise the maintenance of financial and other records.
 - (5) Ability to direct the work of others, when applicable.
 - (6) Ability to establish the foster family agency's policy, program, and budget.
 - (7) Ability to recruit, employ, train, and evaluate qualified staff, and to terminate employment of staff, if applicable to the foster family agency.
- (d) A foster family agency shall make provisions for continuing operation and exercising the administrator's responsibilities during any absence of the administrator.
- (e) All foster family agencies shall have an administrator who shall meet one of the following requirements:
 - (1) A master's degree or higher from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family, and child counseling, counseling psychology, social psychology or equivalent education and experience as determined by the licensing agency. In addition, the administrator shall have demonstrated ability and leadership through a minimum of three years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
 - (2) A Bachelor's Degree in a behavioral science from an accredited college or university. In addition, the administrator shall have demonstrated ability and

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leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.

- (f) Foster family agency administrators hired before October 30, 1993, who do not meet the education and experience requirements shall remain qualified, provided they have no break exceeding three consecutive years in employment as a foster family agency administrator.
- (g) The administrator shall be responsible for the operation of the foster family agency, including the following duties:
 - (1) Designating a staff person to perform the duties of the administrator in his/her absence from the facility who has the following qualifications.
 - (A) Knowledge of the foster family agency operations.
 - (B) Training in programs provided by the foster family agency.
 - (C) Designation as the authorized person to correct deficiencies that constitute immediate threats to the health and safety of children in the foster family agency certified family homes.
 - (2) Appointing and dismissing staff.
 - (3) Ensuring attendance at each board meeting by the chief executive officer, administrator, or designee.
 - (4) Mailing copies of all alleged child abuse or neglect, substantiated complaint, licensing, and incident reports to the Board of Directors.
 - (5) Organizing and carrying out a program of staff development for all staff members.
 - (6) Ensuring the maintenance of a file of all foster family agency incident investigation reports and Department complaint investigation reports, including the foster family agency action taken.
 - (7) Ensuring that incident and complaint investigation reports are kept confidential as required by Health and Safety Code Section 1538(b).

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- (h) The administrator may serve in another personnel capacity provided he or she meets the applicable qualifications of both positions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1538, Health and Safety Code.

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88265.2 SOCIAL WORK SUPERVISOR

- (a) Section 88065.2 shall not apply to an applicant or foster family agency except as specified in this section.
- (b) The following shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) Each social work supervisor in a foster family agency shall be responsible for, but not limited to, the following duties:
 - (1) Orientation and training of new social work personnel.
 - (2) Review and oversight of social work personnel casework.
 - (3) Ensure that assigned social work personnel perform their duties in compliance with applicable laws, regulations, policies, and procedures.
- (d) Social work supervisors shall meet the following education and experience requirements:
 - (1) A Master's Degree or higher from an accredited or state-approved graduate school in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology, or social psychology.
 - (2) In addition to the degree specifications in subsection (d)(1), all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 2017:
 - (A) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.
 - (B) At least nine semester units of coursework related to children and families or 18 months experience in working with children and families.
 - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.

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- (3) Experience as follows:
 - (A) Three years of full-time social work or casework employment in the field of family or child welfare services; or
 - (B) Two years of full-time social work or casework employment in a licensed foster family or adoption agency.
- (e) Social work supervisors who do not meet the Master's Degree or higher requirements specified in Subsection (d)(1) above may be granted an exception provided he or she completes the coursework and field practice or experience requirements specified in Subsection (d)(2) above.
 - (1) Exceptions granted by the Department prior to January 1, 2017, shall remain in effect.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code.

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88265.3 SOCIAL WORK PERSONNEL

- (a) Section 88065.3 shall not apply to an applicant or foster family agency, except where specified.
- (b) The following shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) Social work personnel shall be employed to provide the social services of the foster family agency.
- (d) Social work personnel shall meet the following education and experience requirements:
 - (1) A Master's Degree or higher from an accredited or state approved graduate school in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology or social psychology.
 - (2) In addition to the degree specifications in Subsection (d)(1), all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 1993:
 - (A) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.
 - (B) At least nine semester units of coursework related to children and families, or 18 months experience in working with children and families.
 - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (e) Social work personnel who do not meet the Master's Degree or higher requirements specified in Subsection (b)(1) above may apply for an exception provided he/she completes the coursework and field practice or experience requirements specified in Subsection (d)(2) above.

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- (1) Exceptions granted by the Department prior to January 1, 2017, shall remain in effect.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.
- (g) Social work personnel shall be responsible for the following:
 - (1) Orientations of potential certified family home applicants.
 - (2) Evaluation and assessment of the application of the potential certified family home and Resource Families.
 - (3) Evaluation and assessment of a child for placement and continued placement in a certified family home or licensed foster family home.
 - (4) Placement of the child or nonminor dependent in the certified family home, licensed foster family home, or Resource Family.
 - (5) Development and updating of the child's needs and services plan, including identifying individuals who are important to the child as required in Sections 88268.2, 88268.21, and 88268.23.
 - (6) Supervision of the placement of the child or nonminor dependent including direct contact with the child or nonminor dependent and the certified parent, foster family home licensee, and Resource Families.
 - (7) Provision of support services to certified parents, foster family home licensees, and Resource Families assigned to the social worker.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code; Sections 366.1 and 366.21, Welfare and Institutions Code.

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88265.4 SOCIAL WORK SUPERVISOR/SOCIAL WORKER RATIOS

- (a) Section 88065.4 shall not apply to foster family agencies
- (b) The foster family agency shall employ one full-time social work supervisor for every eight social workers or fraction thereof per licensed location.
- (c) A social work supervisor may function as a social worker only when fewer than eight social workers are supervised in a foster family agency and shall be allowed to carry three cases in place of supervising one social worker.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1506.5, 1530, and 1531, Health and Safety Code.

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88268 **ADMISSION AGREEMENTS FOR NONMINOR DEPENDENTS**

- (a) Sections 80068 and 88068 do not apply for nonminor dependents.
- (b) As part of the intake procedures specified in Section 88268.11, a foster family agency shall complete and maintain a current admission agreement for each nonminor dependent and the certified parent or Resource Family with whom a nonminor dependent is placed.
 - (1) The agreement shall be signed and dated by the nonminor dependent, the nonminor dependent's authorized representative if applicable, the certified parent(s) or Resource Family, and the administrator or social work staff prior to the placement of a nonminor dependent in a home.
 - (2) The foster family agency shall provide a copy of the agreement to the nonminor dependent and the certified parent(s) or Resource Family and shall retain the original agreement as specified in Section 88270.1.
- (c) Whenever circumstances covered in the admission agreement change, a foster family agency shall make modifications to the current agreement. Any modifications to the agreement shall be completed as specified in subsection (b).

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1501 and 1531, Health and Safety Code.

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88268.1 INTAKE PROCEDURES

- (a) In addition to Section 88068.1, the following shall apply:
- (b) A foster family agency shall request a copy of a child's case plan from the county placing agency.
 - (1) A foster family agency shall document all attempts to obtain the case plan and the date when the case plan is received from the county placing agency in the child's needs and services plan.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88268.11 INTAKE PROCEDURES FOR NONMINOR DEPENDENTS

- (a) Sections 88068.1, 88069 and 88268.1 shall not apply to nonminor dependents. Except for subsections (b) and (d), Section 80069 shall apply.
- (b) A foster family agency shall develop, maintain, and implement intake procedures that meet the requirements specified in this section.
- (c) Prior to the placement of a nonminor dependent in a home, the administrator or social work staff shall, jointly with the placement agency and the certified parent(s) or Resource Family, prepare a pre-placement appraisal for the nonminor dependent.
 - (1) The appraisal shall include:
 - (A) Confirmation that the nonminor dependent does not pose a threat to children in the home.
 - (B) The ability of the certified parent(s) or Resource Family to meet the needs of the nonminor dependent.

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The pre-placement appraisal may include the following additional information about a nonminor dependent:

- (1) Overall health and health history, including any dietary limitations, currently prescribed medications, and major illnesses, accidents, hospitalizations, or surgeries.
- (2) Physical and developmental disabilities.
- (3) Mental health and mental conditions.
- (4) Social factors, including likes, dislikes, interests, and activities.
- (5) Cultural factors, such as race, ethnicity, sexual orientation, gender expression, and gender identity.

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- (d) Prior to, or within 30 calendar days of placement of a nonminor dependent with the foster family agency for placement in a home, the administrator or social work staff shall obtain a written medical assessment of the nonminor dependent, including ambulatory status, as specified in Section 80069.
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- (1) If a current medical assessment cannot be obtained, the administrator or social work staff shall ensure that a current medical assessment is completed within 30 days of placement of the nonminor dependent.
 - (A) If the medical assessment cannot be completed within 30 days of placement of the nonminor dependent, the administrator or social work staff shall obtain a medical appointment date for the nonminor dependent within 30 days of placement.
- (e) Within 30 calendar days of the placement of a nonminor dependent in a home, an administrator or social work staff shall obtain and request intake information and related documents about the nonminor dependent.
 - (1) The following intake information shall be obtained from the placement agency:
 - (A) Name, address, and telephone number of the nonminor dependent's:
 - 1. Placement worker and placement agency.
 - 2. Authorized representative and persons to be contacted in an emergency when the nonminor dependent's authorized representative cannot be contacted.
 - 3. Physician and dentist, and other medical and mental health providers, if any.
 - 4. Current employer, if applicable, with address of employment.
 - (B) Medical and dental insurance coverage information, including the agency or person responsible for medical and dental costs.
 - (C) Names of all persons who are prohibited by court order from contacting or visiting the nonminor dependent.
 - (2) The following intake information shall be requested from the placement agency:
 - (A) The case plan.
 - 1. The foster family agency shall document all attempts to obtain the case plan and the date when the case plan is received by the county placing agency in the nonminor dependent's needs and services plan.
 - (B) The transitional independent living plan.

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- (C) The health and education passport.
- (3) A foster family agency shall use the intake information to prepare a needs and services plan for a nonminor dependent, as specified in Section 88268.21.
- (f) An administrator or social work staff shall complete an admission agreement for a nonminor dependent as specified in Section 88268.
- (g) The administrator or social work staff shall ensure that intake documents are signed as necessary.
 - (1) The admission agreement shall be signed as specified in Section 88268.
 - (2) The needs and services plan shall be signed as specified in Section 88268.21.
 - (3) The policies and procedures for removal or transition from the foster family agency shall be signed as specified in Section 88268.4.
- (h) Within 30 calendar days of the placement of a nonminor dependent in a home, the administrator or social work staff shall provide a nonminor dependent and a certified parent or Resource Family with copies of the following documents:
 - (1) Copies of the following documents shall be provided to both the nonminor dependent and the certified parent or Resource Family:
 - (A) The transitional independent living plan, the needs and services plan specified, and any modifications to these plans.
 - (B) Admission agreement and any modifications to this agreement.
 - (2) Copies of the following documents shall be provided to the nonminor dependent:
 - (A) Personal rights as specified in Section 88487.8.
 - (B) Removal or transition policies and procedures for the foster family agency as specified in Section 88268.4.
 - (3) Copies of the following documents shall be provided to the certified parent or Resource Family:
 - (A) The pre-placement appraisal specified in subsection (c).
 - (B) The medical assessment specified in subsection (d).
 - (C) The foster family agency agreement with the certified parent or Resource Family.

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- (i) If, at any time after a nonminor dependent is placed with a foster family agency, the administrator or social work staff determines that the foster family agency cannot continue to meet the needs of the nonminor dependent, the transition procedures specified in Section 88268.4 apply.
- (j) A foster family agency shall retain information and related documents in the records for a nonminor dependent as specified in Section 88270.1.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501, 1501.1, 1530.91, and 1531, Health and Safety Code.

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88268.2 NEEDS AND SERVICES PLAN

- (a) (1) Section 80068.2 shall not apply to a foster family agency.
- (2) In addition to Section 88068.2, the following shall apply.
- (b) A foster family agency shall prepare and maintain a needs and service plan for a child as specified in this section.
- (c) The needs and services plan shall be trauma informed, culturally relevant, and age and developmentally appropriate and shall:
 - (1) Identify the applicable services and supports a child requires, including core services, supports, physical and mental health, substance abuse services, education, reunification, permanency, and transition services.
 - (2) Consider recommendations from the child and family team.
 - (3) Include a family reunification or permanency plan that is consistent with the case plan prepared by the county placing agency, if provided, and meets the needs of a child and his or her family.
 - (A) The reunification or permanency plan shall include the visitation needs identified in the needs and services plan.
 - (4) Include the daily activities in which a child is scheduled to participate, including school, work, and extracurricular activities.
- (d) The training needs identified by the needs and services plan shall be age or developmentally appropriate and address the following:
 - (1) Development of a child's life, social, work, financial, or practical skills.
 - (2) Activities designed to prepare a child for a successful adulthood or to prepare a nonminor dependent for the transition to independent living.

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- (e) (1) The foster family agency shall document in the child's needs and services when the case plan is received from the county placing agency.
- (2) If the case plan is not received from the county placing agency, the foster family agency shall document the attempts made to obtain the case plan in the child's needs and services plan.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 366.1, 366.21, and 16001.9, Welfare and Institutions Code.

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88268.21 NEEDS AND SERVICES PLAN FOR NONMINOR DEPENDENTS

- (a)
 - (1) Section 80068.2 shall not apply to a foster family agency.
 - (2) Except as specified in this section, Section 88068.2 shall not apply to a foster family agency.
 - (3) Section 88268.2 shall apply to foster family agencies as specified in this section.
- (b) A foster family agency shall prepare and maintain a needs and service plan for a nonminor dependent pursuant to this section.
- (c) An administrator or social work staff shall prepare a needs and services plan for a nonminor dependent that is consistent with the transitional independent living plan for the nonminor dependent.
 - (1) A nonminor dependent and the certified parent or Resource Family shall be permitted to participate in the development of the needs and services plan.
 - (2) The needs and services plan shall be completed within 30 calendar days of the date a nonminor dependent is placed in a home.
- (d) A needs and services plan shall contain the following information:
 - (1) The information specified in Section 88068.2(a)(1) through (a)(6), (a)(8), and (a)(9).
 - (2) Transition plan for the nonminor dependent as specified in Section 88268.4.
 - (3) The information specified in Section 88268.2(c), (d), and (e).
- (e) A needs and services plan shall be signed by a nonminor dependent, the placement agency, and an administrator or social work staff within 30 calendar days of the placement of the nonminor dependent in a home.
 - (1) Any modifications to the plan, as specified in Section 88268.3, shall be signed by a nonminor dependent, an administrator or social work staff, and the placement agency.
 - (2) A copy of the needs and services plan shall be provided to a nonminor dependent as specified in Section 88268.11.
- (f) The original signed needs and services plan shall be maintained in the records for a nonminor dependent as specified in Section 88270.1.

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- (g) Unless restricted by a needs and services plan, transitional independent living plan, or court order, a foster family agency shall assist a certified parent(s) or Resource Family in encouraging a nonminor dependent to seek, select, and maintain permanent connections between the nonminor dependent and his or her relatives, nonrelative extended family members, and other caring and committed adults. Nothing in this section shall be interpreted to require a foster family agency to take any action that would impair the health and safety of a nonminor dependent.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501, 1530, and 1531, Health and Safety Code; and Sections 16001.9, 16501.1, and 18358.15, Welfare and Institutions Code.

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88268.3 MODIFICATIONS TO THE NEEDS AND SERVICES PLAN

- (a) Section 80068.3 shall not apply to foster family agencies.
- (b) In addition to Section 88068.3 the following shall apply.
- (c) A needs and services plan shall document a child's or nonminor dependent's progress toward the family reunification or permanency plan.
- (d) A foster family agency shall consider the recommendations of a child and family team when determining any modifications to a needs and services plan.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88268.4 REMOVAL PROCEDURES

- (a) Section 88068.4 shall not apply to a foster family agency.
- (b) A foster family agency shall develop, maintain, and implement written policies and procedures for the removal of a child or nonminor dependent from a home, including the following:
 - (1) The policies and procedures shall include a transition plan with well-defined permanency goals.
 - (2) A child, as age and developmentally appropriate, his or her authorized representative, and a nonminor dependent shall receive copies of the policies and procedures.
 - (3) A copy of the policies and procedures shall be signed by a child's authorized representative or a nonminor dependent and shall be maintained in the child's or nonminor dependent's case record.
- (c) A foster family agency shall ensure that a child, as age and developmentally appropriate, his or her authorized representative, a nonminor dependent, and the child and family team are offered the opportunity to participate in the development of removal procedures for the child or nonminor dependent.
- (d) If a foster family agency determines that it cannot continue to meet the needs of a child or nonminor dependent, then the foster family agency shall provide written notification to the authorized representative that the child or nonminor dependent shall be relocated within seven days. The written notice shall:
 - (1) State the reason for the relocation of the child or nonminor dependent, including specific facts about any circumstance or event that resulted in the pending relocation of the child or nonminor dependent.
 - (2) Request that the child or nonminor dependent be placed elsewhere.
- (e) A foster family agency shall not prevent the removal of a child or nonminor dependent from a home by an authorized person which includes, but is not limited to, the following:
 - (1) Removal by law enforcement when a child or nonminor dependent is arrested.

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- (2) Removal is necessary when the health and safety of a child or nonminor dependent or others in the home is endangered by the continued presence of the child or nonminor dependent in the home.
 - (3) Removal for emergency medical or mental health care.
 - (4) Relocation by a child's or nonminor dependent's authorized representative.
- (f) When a nonminor dependent is removed from a foster family agency, the foster family agency shall distribute the nonminor dependent's records as specified in Section 88270.1.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88269.7 **CONTENT OF A CERTIFIED FAMILY HOME CASE RECORD**

- (a) In addition to Section 88069.7, the following shall apply.
- (b) A foster family agency shall securely retain all case records for at least three years following the decertification of a certified family home.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88270 CHILDREN'S CASE RECORDS

- (a) In addition to Section 88070, the following information regarding a child shall be obtained and maintained in the child's case record by a foster family agency:
- (1) Documentation of all mental health services received by a child, to include the services received, name of the mental health entity, and dates the services were provided.
 - (2) Documentation of any inability to ensure access to mental health services to the child and the reason why the services were not provided, including the lack of availability of providers, inability to obtain services timely, or the child refuses to participate.
 - (3) Removal procedures as specified in Section 88268.4.
- (b) A child's case record shall be confidential and shall be available only to the licensing agency, placement agency staff, and foster family agency personnel that need access to the information to perform their duties.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88270.1 NONMINOR DEPENDENTS' CASE RECORDS

- (a) Sections 80070, 88070, and 88270 do not apply to nonminor dependents' case records.
- (b) A foster family agency shall maintain a separate, complete, and current record in the administrative office or suboffice for each nonminor dependent placed with the foster family agency.
 - (1) A nonminor dependent shall have access to his or her records in a manner that ensures the confidentiality of other records maintained by the foster family agency.
 - (2) The following information and related documents shall be included in a nonminor dependent's records:
 - (A) The name of the nonminor dependent, birth date, gender, date of placement with the foster family agency, and date of placement in a home.
 - (B) Intake information about the nonminor dependent as specified in Section 88268.11(e)(1).
 - (C) The case plan and health and education passport.
 - (D) The original signed foster family agency admission agreement for the nonminor dependent and any modifications to this agreement as specified in Section 88268.
 - (E) The original signed foster family agency agreement with the certified parent(s) or Resource Family with whom the nonminor dependent is placed.
 - (F) The pre-placement appraisal and written medical assessment, including ambulatory status, for the nonminor dependent as specified in Section 88268.11.
 - (G) The original signed needs and services plan as specified in Section 88268.21, the transitional independent living plan for the nonminor dependent, and any modifications to these plans.
 - (H) A copy of the personal rights accorded to the nonminor dependent as specified in Section 88487.8.

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- (I) The original signed removal policies and procedures for the foster family agency as specified in Section 88268.4.
 - 1. If the nonminor dependent is relocated from the foster family agency, then the written notice of relocation as specified in Section 88268.4.
 - (J) Documentation of all mental health services received by a nonminor, to include the services received, name of the mental health entity, and dates the services were provided.
 - (K) Documentation of any inability to provide mental health services and the reason why the services were not provided, such as lack of availability of providers or inability to obtain services timely.
- (c) The records for a nonminor dependent specified in subsection (b) shall be available to the licensing agency to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) The licensing agency representative may not remove any current emergency or health-related records for a nonminor dependent unless the same information is readily available in another document or format.
 - (2) Prior to removing any records, the licensing agency representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
 - (3) The licensing agency representative shall return the records to the foster family agency undamaged and in good order within three business days following the date the records were removed.
- (d) When a nonminor dependent is removed from a foster family agency, the foster family agency shall distribute the nonminor dependent's records as follows:
- (1) The nonminor dependent's primary placing agency shall receive originals and any copies of all records.
 - (2) The nonminor dependent's authorized representative, if applicable, shall receive copies of all records.

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- (3) The nonminor dependent shall receive copies of all records.
- (e) A foster family agency shall retain copies of a nonminor dependent's records for at least three years after the nonminor dependent was removed from the foster family agency.
- (f) A nonminor dependent's case record shall be confidential and shall be available only to the nonminor dependent, the licensing agency, placement agency staff, and foster family agency staff that need access to the information to perform their duties.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16010, Welfare and Institutions Code.

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88278.1 CORE SERVICES AND SUPPORTS

- (a) A foster family agency shall provide core services and supports to children and nonminor dependents that are trauma informed, culturally relevant, age and developmentally appropriate, and include the following:
- (1) Medi-Cal specialty mental health services for children who meet medical necessity criteria for specialty mental health services pursuant to Welfare and Institutions Code section 11463.
 - (2) Transition support services for children, nonminor dependent, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.
 - (3) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.
 - (4) Activities designed to support children and nonminor dependents in achieving a successful adulthood.
 - (5) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, tribes, or others important to the child or nonminor dependent, as appropriate.

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See Core Services and Supports Matrix (8/29/16).

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- (b) Core services and supports shall be provided directly, secured through agreements with other agencies, or both.
- (1) A foster family agency shall ensure all core service secured through agreements with other agencies are trauma informed and culturally relevant.
 - (2) Documentation of agreements with other agencies shall be maintained by a foster family agency and available upon request by the licensing agency.

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- (c) In addition to subsection (a), a foster family agency shall ensure that Indian children receive core services and supports in accordance to the Federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children as including culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and [AB 1997, Stats. 2016, Ch. 612, Sec. 131](#) . Reference: Sections 1530 and 1531, Health and Safety Code; Section 11463 of the Welfare and Institutions Code.

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Article 9.8—Physical Environment

88287 ADMINISTRATIVE OFFICE AND SUBOFFICE

- (a) In addition to Section 88087, the following shall apply.
- (b) The administrative office and each suboffice shall provide an environment that is affirming and respectful of all cultures.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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Article 9.9—Accreditation and Mental Health

88289 NATIONAL ACCREDITATION

- (a) A foster family agency shall obtain national accreditation from an entity identified by the department.
- (b) The following provisions apply to a foster family agency licensed before January 1, 2017:
 - (1) The foster family agency shall have until December 31, 2018 to obtain accreditation.
 - (2) On January 1, 2017, the licensed foster family agency shall submit documentation of accreditation or a copy of its application for accreditation to the licensing agency as part of an updated program statement.
 - (3) The foster family agency shall provide documentation to the licensing agency reporting its accreditation status as of July 1, 2017, January 1, 2018, and July 1, 2018.
- (c) The following provisions apply to a foster family agency licensed on or after January 1, 2017:
 - (1) The foster family agency shall have up to 24 months from the date of licensure to obtain accreditation.
 - (2) The foster family agency applicant shall submit documentation of accreditation or a copy of its application for accreditation with its application for licensure.
 - (3) The foster family agency shall provide documentation to the licensing agency reporting its accreditation status at 12 months and at 18 months after the date of licensure.
- (d) The licensing agency may request additional information from a foster family agency regarding its accreditation status.
- (e) A foster family agency shall provide a copy of its final accreditation summary report to the licensing agency within 30 days of its release date.
- (f) A foster family agency shall provide a copy of its corrected action in response to the final accreditation summary report to the licensing agency within 30 days of its completion date .

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Health and Safety Code section 1506.1 provides in part:

“The department may revoke a foster family agency’s license pursuant to Article 5 (commencing with Section 1550) for failure to obtain accreditation within the timeframes specified in this subdivision.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1506.1, Health and Safety Code; and Section 11463, Welfare and Institutions Code.

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88289.1 MENTAL HEALTH SERVICES

- (a) A foster family agency shall ensure children and nonminor dependents have access to mental health services, consistent with the child or nonminor dependent's case plan provided by the county placing agency, or any other assessment or documentation identifying a mental health need.
- (1) Mental health services include, but are not limited to:
- (A) Medi-Cal specialty mental health services for a child who meets medical necessity criteria for specialty mental health services under the Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment program, as provided for in Section 1830.205 or 1830.210 of Title 9, of the California Code of Regulations.
- (B) Non-specialty mental health services provided under Medi-Cal.
- (2) Mental health services may be assessed through a Medi-Cal managed care plan, fee for service provider, or county mental health plan, when deemed medically necessary.
- (b) A foster family agency may directly provide specialty mental health services only with a current Medi-Cal certification as an organizational provider of a county mental health plan.
- (c) A foster family agency that has not obtained a Medi-Cal certification shall provide children and nonminor dependents access to appropriate mental health services.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1506.1, Health and Safety Code; and Section 11463, Welfare and Institutions Code.

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SUBCHAPTER 1: RESOURCE FAMILY APPROVAL

Article 1—General Requirements and Definitions

88300 GENERAL

- (a) Foster family agencies, as defined in Section 88201(f)(2), that approve Resource Families shall be governed by the provisions in this subchapter.
- (b) Resource Families, as defined in Section 88201(r)(2), approved by a foster family agency shall be governed by the provisions in this subchapter.
- (c) Unless otherwise specified in this subchapter and as stated below in subsection (d), the provisions of Title 22, Chapter 1, General Licensing Requirements, and Chapter 8.8, Foster Family Agencies, shall apply to foster family agencies that approve Resource Families.
- (d) Unless otherwise specified, references to a “certified family home” in Chapter 8.8 shall include a Resource Family.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1502, 1530 and 1531, Health and Safety Code.

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88301 **DEFINITIONS**

Except for Section 80001 (a)(6), (c)(2), (c)(6), (c)(18),(d)(5), (i)(1),(n)(2), (p)(2),(r)(2), and (s)(7) and Section 88001 (c)(5), (c)(6), (h)(1), (i)(1), (i)(2), and (s)(2), Sections 80001, 88001, 88201, and the following definitions shall apply whenever the terms are used in this subchapter.

- (a) (1) “Adoption Assistance Program” or “AAP” means a program of financial or medical assistance to facilitate the adoption of children who otherwise would remain in long-term foster care.
- (2) “Adoptive parent” means a person who has obtained an order of adoption of a minor child or, in the case of an adult adoption, an adult.
- (3) “Allegation” means information which asserts or indicates that a Resource Family may not have met or may not be meeting the requirements of one or more of the interim licensing standards or any applicable laws.
- (4) "Alternative caregiver" means a person who is at least 18 years old and has a criminal record clearance who cares for a child in either the Resource Family’s home or in the alternative caregiver’s home when the Resource Family is away from his or her home for more than 24 hours at a time.
- (5) “Applicant” means an individual or individuals who have submitted an application to a foster family agency for Resource Family Approval.
- (6) “Associated individual” means a person who has obtained a criminal record clearance or exemption pursuant to Welfare and Institutions Code section 16519.5 in order to reside or be regularly present in the home of an applicant or Resource Family.
- (7) **“Authorized representative” means a person or entity authorized by law to act on behalf of a child or nonminor dependent. The person or entity may include, but not be limited to, a parent or attorney of a child or nonminor dependent, Court Appointed Special Advocate (CASA), legal guardian, conservator, or public placement agency.**
- (b) (1) “Birth parent” means a biological parent or, in the case of a person previously adopted, an adoptive parent.

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- (c) (1) “Capacity” means the number of children and nonminor dependents for whom a Resource Family is approved to provide care and supervision.
- (2) “Child Abuse Central Index” or “CACI” means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental or emotional abuse or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.
- (3) “Complainant” means a person who makes an allegation or provides information to the Department concerning a Resource Family which is considered to be a complaint.
- (4) “Complaint” means one or more allegations, as defined in paragraph (a)(3) above, made concerning a Resource Family.
- (5) “Comprehensive assessment” means an evaluation of an applicant using the home environment, background check, and psychosocial assessments and any other factors set forth in the interim licensing standards for purposes of determining the applicant’s suitability as a Resource Family.
- (6) “Conviction” means a plea or verdict of guilty or a conviction following a plea of nolo contendere, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4 (a) permitting the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
- (7) “Corrective Action Plan” or “CAP” means a plan developed by a foster family agency which describes how a Resource Family is not conforming to the requirements of an applicable statute, regulation, or the interim licensing standards and the steps the Resource Family and the foster family agency will take to ensure that the Resource Family corrects identified deficiencies within a specified time.

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- (d) (1) “Deficiency” means any failure to conform to any applicable statute, regulation, or interim licensing standard.
- (2) “Department” means the California Department of Social Services.
- (3) “Documented Alternative Plan” or “DAP” means a written plan, pursuant to Section 88347, submitted by a foster family agency on behalf of a Resource Family and approved by the Department describing an applicant’s or Resource Family’s use of an acceptable alternative to a specific non health and safety requirement.
- (e) (1) “Excluded individual” means a person upon whom the Department has served an exclusion order prohibiting residence, presence, or contact with children or nonminor dependents in the home of a Resource Family.
- (f) (1) “Foster care” means 24-hour out-of-home care provided to children or nonminor dependents whose families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.
- (g) (Reserved)
- (h) (1) “Health care practitioner” means the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code and who provide specialized in-home health care prescribed by a physician for a child with special health care needs: Physician, Physician Assistant, Nurse Practitioner, Public Health Nurse, Registered Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist, and Respiratory Therapist.
- (2) “Health professional” means any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code: Physician, Physician Assistant, Nurse Practitioner, or Public Health Nurse.
- (3) “Home environment assessment” means a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, a background check, health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home, fire clearance, and capacity determination.

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- (i) (1) “Inconclusive” means that an investigation concluded that an allegation in a complaint is not substantiated or unfounded.
- (2) “Individualized health care plan” means a written plan developed by an individualized health care plan team and approved by the team physician, or other health care practitioner designated by the physician to serve on the team, for the provision of specialized in-home health care to a child with special health care needs as specified in Welfare and Institutions Code section 17731.
- (3) "Individualized health care plan team" means those persons who develop an individualized health care plan for a child with special health care needs, including the primary care physician for a child or other health care practitioner chosen by the physician to serve on the team, the county social worker or regional center caseworker for the child, and any health care practitioner chosen to monitor the specialized in-home health care provided to a child pursuant to the individualized health care plan, as defined in Welfare and Institutions Code section 17710.
- (4) “Infant” means a child under two years of age.
- (j) (Reserved)
- (k) (1) “Kinship Guardianship Assistance Payment Program” or “Kin-GAP” means a program of financial assistance or medical assistance (Medi-Cal) to facilitate the achievement of permanency for children in foster care through legal guardianship by a relative caregiver.
- (l)-(m) (Reserved)
- (n) (1) “Nonambulatory person” means a person as defined in Health and Safety Code section 13131.

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Health and Safety Code section 13131 provides:

“ ‘Nonambulatory persons’ means persons unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger, and persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. The determination of ambulatory or nonambulatory status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative. The determination of ambulatory or nonambulatory status of all other disabled persons placed after January 1, 1984, who are not developmentally disabled shall be made by the Director of Social Services, or his or her designated representative.”

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- (2) “Nonrelative extended family member” or “NREFM” means an adult who has an established familial relationship with a relative of a child or a familial or mentoring relationship with a child as defined in Welfare and Institutions Code section 362.7.

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Welfare and Institutions Code section 362.7 provides in part:

“ ‘[N]onrelative extended family member’ is defined as an adult caregiver who has an established familial relationship with a relative of the child, as defined in paragraph (2) of subdivision (c) of Section 361.3, or a familial or mentoring relationship with the child. The county welfare department shall verify the existence of a relationship through interviews with the parent and child or with one or more third parties. The parties may include relatives of the child, teachers, medical professionals, clergy, neighbors, and family friends.”

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- (o) (1) "Occasional short-term babysitter" means a person who cares for a child in or out of a Resource Family's home on an occasional basis for no more than 24 hours at a time.
- (p) (1) "Permanency assessment" means a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, pre-approval training, psychosocial assessment, and any other activities that relate to a Resource Family's ability to achieve permanency with a child or nonminor dependent.
- (2) "Psychosocial assessment" means a component of the permanency assessment which includes a thorough evaluation of an applicant or Resource Family, his or her family system, dynamics, and strengths, and areas where more support or resources may be needed for more effective and quality parenting skills.
- (q) (Reserved)
- (r) (1) "Relative" means an adult who is related to a child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution, as defined in Welfare and Institutions Code section 11400.

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Welfare and Institutions Code section 11400 provides in part:

" 'Relative' means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution."

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- (2) "Rescind" means an administrative action by the Department or action taken by the foster family agency to revoke the approval of a Resource Family.

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- (3) “Reside” means physical presence in the home of a relative, nonrelative extended family member, applicant, or Resource Family for 30 days or longer or the point at which presence in the home is not for a temporary or transitory purpose, whichever occurs first.
- (4) “Resource Family Approval” or “approval” means that an applicant or Resource Family successfully meets the home environment assessment and permanency assessment standards adopted pursuant to Welfare and Institutions Code section 16519.5.
- (5) “Resource Family Approval Program” or “program” means the single process for approving families for foster care, legal guardianship, and adoption.
- (6) “Resource Family Approval Written Directives” means the written processes, standards, and requirements issued by the Department to implement the Resource Family Approval Program by counties.
- (7) “Risk assessment” means the consideration of factors regarding an applicant that include, but are not limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence history.
- (s) (1) "Self-administer" means the act of a child or nonminor dependent giving himself or herself medication or injections.
- (2) “Sibling” means two or more children related by blood, adoption, or affinity through a common legal or biological parent as defined in Welfare and Institutions Code sections 362.1 and 16002.
- (3) “Sibling group” means two or more children who are related to each other as full, half, or step siblings as defined in Welfare and Institutions Code section 361.5.
- (4) “Specialized in-home health care” means those services identified by a child’s primary physician as appropriately administered by a Specialized Resource Family.
- (5) “Specialized Resource Family” means a Resource Family who has been trained by health care practitioner to provide specialized in-home health care to children with special health care needs.

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- (6) “Substantiated” means that an investigation concluded that based on a preponderance of the evidence, meaning that it is more likely than not, an allegation in a complaint occurred.
- (7) “Surrender” means a voluntary relinquishment of Resource Family Approval by a Resource Family.
- (t) (Reserved)
- (u) (1) “Unfounded” means that an investigation concluded that an allegation in the complaint is false, meaning that there is no credible evidence that the allegation in the complaint occurred.
- (v) (Reserved)
- (w) (1) “Written Report” means a summary, analysis, and determination of an applicant’s suitability to foster, adopt, or provide legal guardianship of a child or nonminor dependent based on all the information gathered through the Resource Family Approval application and comprehensive assessment processes.
- (x) - (z) (Reserved)

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety

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88302 **DEFINITIONS- FORMS**

- (a) The following forms, which are incorporated by reference, apply to this subchapter and shall be used by a foster family agency.
- (1) LIC 01A: Resource Family Application
 - (2) LIC 508D: Out-of-State Disclosure and Criminal Record Statement
 - (3) LIC 198B: Resource Family Out-Of-State Child Abuse/Neglect Report Request
 - (4) LIC 01C: Resource Family Application – Confidential
 - (5) LIC 03: Resource Family Home Health and Safety Assessment Checklist
- (b) In addition to (a), the following forms or an equivalent form containing the same information may be used by a foster family agency.
- (1) RFA-02: Resource Family Background Checklist and Out-of-State Child Abuse Registry Checklist
 - (2) RFA-04: Resource Family Risk Assessment
 - (3) RFA-05: Resource Family Approval Written Report
 - (4) LIC-05A: Resource Family Approval Certificate
 - (5) RFA-06: Resource Family Approval Update Report
 - (6) RFA-07: Health Screening
 - (7) RFA-08: Tuberculosis (TB) Screening Questionnaire

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety

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Article 2—Resource Family Approval Assessment Process

88330 IDENTIFICATION OF RESOURCE FAMILIES

- (a) Section 88030 shall not apply to an applicant or Resource Family.
- (b) A licensed foster family agency shall accept applications, evaluate applicants for approval or denial, or rescind the approval of a Resource Family, on a nondiscriminatory basis without regard to age, sex, race, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression actual or perceived sexual orientation, medical condition, genetic information or ancestry.
- (c) Each Resource Family shall be provided with a Resource Family Approval Certificate (LIC-05A) or an equivalent certificate, properly completed and signed by the administrator of the foster family agency or their designee pursuant to Section 88331.8.
- (d) A Resource Family shall conform to the applicable provisions of this subchapter.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131 . Reference: Sections 1530 and 1531, Health and Safety

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88331 APPLICATION FOR RESOURCE FAMILY APPROVAL

- (a) Section 88031 shall not apply to an applicant or Resource Family.
- (b) A licensed foster family agency shall complete a comprehensive assessment for each applicant as specified in Section 88331.1 and a Written Report as specified in Section 88331.7.
- (c) Prior to conducting any component of a comprehensive assessment pursuant to Section 88331.1, a foster family agency shall require an applicant to complete, sign, and submit a form LIC 01A: Resource Family Application to the foster family agency.
 - (1) In addition to LIC-01A, a foster family agency may use supplemental forms to obtain additional information that may be needed to help determine an applicant's ability to be approved as a Resource Family.
- (d) A foster family agency shall require an applicant to provide the supporting documentation specified in Section 88431.2(a)(1)(A) through (G) with the application.
- (e) (1) Before approving an applicant, a foster family agency shall conduct a reference check as required by Health and Safety Code section 1517.2.

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Health and Safety Code section 1517.2(b) provides:

“Before approving a resource family, a foster family agency shall conduct a reference check of the applicant by contacting all of the following:

- (1) Any foster family agencies that have certified the applicant.
- (2) Any state or county licensing offices that have licensed the applicant as a foster family home.
- (3) Any counties that have approved the applicant as a relative or nonrelative extended family member.
- (4) Any foster family agencies or counties that have approved the applicant as a resource family.
- (5) Any state licensing offices that have licensed the applicant as a community care facility, child day care center, or family child care home.

(c) The department, a county, or a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency regarding a prospective resource family for the purpose of conducting, and as necessary to conduct, a reference check to determine whether it is safe and appropriate to approve an applicant to be a resource family.”

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- (2) Documentation of reference checks shall be maintained in the Resource Family case record.
- (f) A foster family agency shall not charge an applicant an application processing fee.
- (g) A foster family agency shall discuss and address questions regarding the following with an applicant:
 - (1) Benefits associated with foster care, Adoption Assistance Program (AAP), Kin-GAP, Approved Relative Caregiver (ARC) funding, and any other assistance that may apply.
 - (2) Personal Rights of children and nonminor dependents in foster care, as specified in Section 88487.8, including how to access additional information and resources that address these personal rights.
 - (3) Access to health, mental health, and dental care through Medi-Cal, in home supportive services, and developmental or other services based on the needs of a child or nonminor dependent in the care of a Resource Family.
 - (4) The Reasonable and Prudent Parent Standard, as specified in Section 88487.12.
 - (5) If the applicant is married, in a domestic partnership, or resides with a significant other who is not applying for Resource Family Approval, then the impact on the other individual's ability to file a petition for adoption.
- (h) A foster family agency shall advise an applicant or Resource Family that if he or she moves to a new home location, the applicant or Resource Family is required to notify the foster family agency 30 days prior to moving or as soon as the information is available and that the applicant or Resource Family will be subject to an approval update as required by Section 88371.2.
- (i)
 - (1) A foster family agency shall cease any further review of an application if the applicant has had a previous application denial within the preceding year, or if the applicant has had a previous rescission, revocation, exemption denial, or exemption rescission by the Department or County within the preceding two years.
 - (2) Notwithstanding paragraph (1) above, a foster family agency may continue to review an application if it has determined that the reasons for the previous denial,

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rescission, or revocation, were due to circumstances or conditions which either have been corrected or are no longer in existence.

- (3) If an individual was excluded from Resource Family homes or facilities licensed by the Department, the foster family agency shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to Government Code section 11522 and Health and Safety Code section 1558(h).
- (4) The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety

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88331.1 COMPREHENSIVE ASSESSMENT

- (a) **A foster family agency shall conduct a comprehensive assessment of an applicant that includes the following:**
- (1) **A home** environment assessment pursuant to Section 88331.2.
 - (2) **A permanency** assessment pursuant to Section 88331.4.
- (b) **A foster family agency may use** tools, including questionnaires and forms, to complete a comprehensive assessment.
- (c) As deemed appropriate and necessary by a foster family agency, an applicant may be required to complete additional activities to help determine an applicant's ability to be approved as a Resource Family.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.2 HOME ENVIRONMENT ASSESSMENT

- (a) A foster family agency shall conduct a home environment assessment that includes all of the following:
- (1) A background check pursuant to Section 88331.3.
 - (2) A health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the applicant's home to determine compliance with Article 6 and, if applicable, Section 88587.1.
 - (3) A fire clearance pursuant to subsections (b) and (c).
 - (4) A description of the physical features of the home, including available living space and the number of bedrooms and bathrooms, for use in making a capacity determination as specified in Section 88362.
- (b) A foster family agency shall require an applicant to have any necessary fire clearance for his or her home when the applicant intends to provide care to either of the following:
- (1) A child or nonminor dependent who is non-ambulatory.
 - (2) More than six children or nonminor dependents.
- (c) If a fire clearance for a home is necessary, a foster family agency shall request that an applicant obtain a fire clearance from the city or county fire department, district providing fire protection services, or State Fire Marshal's Office having jurisdiction in the area where the home to be approved is located, and provide the fire clearance to the foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.3 BACKGROUND CHECK

- (a) A foster family agency shall conduct a background check for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family.
- (b) A background check shall include all of the following:
- (1) A review of an individual's state and federal criminal record information pursuant to Welfare and Institutions Code section 16519.5, unless the individual is exempt from fingerprinting pursuant to Health and Safety Code section 1522(b), to determine whether a criminal record clearance may be granted.
 - (A) A foster family agency shall obtain a completed form LIC 508D: Out-Of-State Disclosure and Criminal Record Statement from an applicant and any adult residing in the home.
 - (2) Consideration of all substantiated allegations of child abuse and severe neglect contained in the Child Abuse Central Index check pursuant to Health and Safety Code section 1522.1.
 - (A) If the applicant or any adult residing in the home has lived in another state within five years before the applicant has applied for Resource Family Approval, then an out-of-state child abuse and neglect registry check using form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State will not complete the LIC 198B.
 - (3) A Megan's Law registered sex offender check.
 - (4) A Department of Motor Vehicles check on the applicant and any adults residing or regularly present in the home who may frequently transport a child or nonminor dependent.
 - (5) A check for prior licensing-related administrative actions contained in the Legal Administrative Action Records System (LAARS) database maintained by the Department.
 - (6) A check for prior licensing history and criminal record exemption denial or recession actions contained in the Licensing Information System (LIS) database maintained by the Department.

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- (7) A check for prior Resource Family-related administrative actions contained in the Legal Administrative Action Records System (LAARS) and Notice of Action databases maintained by the Department.
- (c) (1) A foster family agency shall request that the Department review the information specified in subsection (a)(1) and (2) and issue a criminal record clearance, exemption, or denial for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family.
- (2) A foster family agency shall review the information specified in subsection (a)(3) and (4).
- (3) A foster family agency shall request that the Department conduct the checks specified in subsections (a)(5), (6), and (7).
- (d) An individual shall be required to obtain a criminal record clearance, or criminal record exemption pursuant to Section 88331.31, prior to approval, residency, or regular presence in the home of a Resource Family.
- (1) If the criminal record of an individual indicates any conviction of a crime other than a minor traffic violation or any arrest for an offense specified in Health and Safety Code section 1522(e), the Department or foster family agency shall request the individual provide a certified copy of court records and a crime report for each conviction or arrest or a letter from a law enforcement agency that the report does not exist.
- (2) If the law enforcement agency or court will not release the record described in paragraph (1) to the individual, or the Department determines that it is too burdensome for the individual to obtain the record, the Department shall request the record.
- (A) If an individual's criminal record indicates any conviction of a crime other than a minor traffic violation or any arrest for an offense specified in Health and Safety Code section 1522(e), the Department may not grant the individual a clearance or exemption until an investigation has been completed.

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- (B) If an individual's criminal record indicates an arrest for an offense not specified in Health and Safety Code section 1522(e), the Department shall consider the information pursuant to Family Code section 8712 and may conduct an investigation as described in subparagraph (A) to ensure compliance with Resource Family Approval standards.
- (C) The individual to whom the conviction or arrest pertains shall submit a written signed statement concerning the circumstances of each conviction or arrest.
- (D) An investigation of the facts regarding arrests or convictions may lead to a denial of Resource Family Approval.
- (3) If the Department finds that an individual has been convicted of a crime other than a minor traffic violation, the application for Resource Family Approval shall be denied, unless the Department grants an exemption pursuant to Section 88331.31.
- (4) If the Department finds that an individual is awaiting trial including an active warrant for an arrest, it may cease processing the criminal record information until the conclusion of the trial.
- (5) The Department shall verify that a subsequent arrest notification (rap back) service, as specified in Penal Code section 11105.2, is in place for each applicant and all adults residing or regularly present in the home of a Resource Family.
- (6) Any action which the Department is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

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- (7) For purposes of this subsection, a “minor traffic violation” means a violation of the Vehicle Code, or a local ordinance passed pursuant to the Vehicle Code, which has been deemed an infraction pursuant to Chapter 1 of Division 17 of the Vehicle Code.
- (e) The Department is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties as provided in Health and Safety Code section 1522(e).
- (f) A foster family agency is authorized to obtain any arrest or conviction records or reports from any law enforcement agency pursuant to Health and Safety Code section 1517(g).
- (g) The following individuals are exempt from the requirement of a background check:
- (1) A medical professional, who holds a valid license or certification from the governing California medical care regulatory entity and who is not employed, retained, or contracted by the Resource Family, if all of the following apply:
- (A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.
- (B) The individual is providing time-limited specialized clinical care or services.
- (C) The individual is providing care or services within the applicable scope of practice.
- (D) The individual is not a licensed, certified, or approved caregiver or an employee of the Resource Family.
- (2) A third-party repairperson, or similar retained contractor, if all of the following apply:
- (A) The individual is hired for a defined, time-limited job.
- (B) The individual is not left alone with a child or nonminor dependent.
- (C) When a child or nonminor dependent is present in the room in which the repairperson or contractor is working, a Resource Family parent who has a criminal record clearance or exemption is also present.
- (3) Employees of a licensed home health agency and other members of licensed

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hospice interdisciplinary teams who have a contract for a child or nonminor dependent in the home, and are in the home at the request of the child's or nonminor dependent's authorized representative.

(A) The exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.

(4) Clergy and other spiritual caregivers who are performing services in common areas of the home, or who are advising a child or nonminor dependent at the request of, or with the permission of, the child or nonminor dependent or his or her authorized representative.

(A) This exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.

(5) Members of fraternal, service and similar organizations who conduct group activities for a child or nonminor dependent, if all of the following apply:

(A) Members are not left alone with a child or nonminor dependent.

(B) Members do not take a child or nonminor dependent from the home.

(C) The same group does not conduct such activities more often than once a month.

(6) Adult friends and family of the Resource Family who come into the home to visit, for a length of time no longer than one month, provided they are not left alone with a child or nonminor dependent.

(7) Parents of friends of a child or nonminor dependent when a child or nonminor dependent is visiting the friend's home and the friend, Resource Family, or both are also present.

(8) Occasional short-term babysitters.

(h) Nothing in this section shall prevent a foster family agency from requiring a background check for any individual specified in subsection (f), provided that the individual has contact that may pose a risk to the health and safety of a child or nonminor dependent placed with an applicant or Resource Family.

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(i) A nonminor dependent shall not be subject to a background check for purposes of Resource Family Approval.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.31 CRIMINAL RECORD EXEMPTION

- (a) Criminal records exemptions may be granted by the Department using the exemption criteria specified in Health and Safety Code section 1522(g).
- (b) After a review of the criminal record information, the Department shall notify an individual of his or her right to request a criminal record exemption and provide a copy of the criminal offender record information received from the Department of Justice to the individual.
- (1) The notice to the individual shall state the authority and criteria for the granting of a criminal record exemption, the specific criminal conviction for which an exemption is needed, including the crime, date, and location of the conviction, and the right to appeal if the requested exemption is denied.
- (c) The Department may grant a criminal record exemption if both of the following occurs:
- (1) The individual requests an exemption.
- (2) The individual presents substantial and convincing evidence satisfactory to the Department that he or she has been rehabilitated and presently is of such good character as to justify the granting of an exemption.
- (3) The individual was not convicted of a crime listed in Health and Safety Code section 1522(g)(1)(A) through (g)(1)(C).
- (d) The following factors may support a determination that an individual has been rehabilitated and is presently of good character:
- (1) The nature of the crime or conduct did not involve acts of violence, physical harm to another, or show a conscious disregard for the rights of others.
- (2) The period of time since the crime was committed or since the conduct occurred is substantial, and there has been exemplary conduct following the individual's misdeeds.
- (3) The number of offenses does not indicate a longstanding pattern of criminal conduct.
- (4) Circumstances surrounding the commission of the crime or conduct demonstrate that repetition is not likely.

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- (5) Activities since conviction **or conduct**, including employment or participation in therapy, education, or treatment, indicate changed behavior.
- (6) Granting by the Governor of a full and unconditional pardon.
- (7) Character references indicate present good character, including, but not limited to, a knowledge and understanding of the **individual's** crime and an awareness of the individual's changed behavior and rehabilitation.
- (8) A certificate of rehabilitation from a superior court.
- (9) Evidence of honesty and truthfulness as revealed in the application documents and interviews.
- (10) Evidence of honesty and truthfulness as revealed in the application interviews and conversations between the individual and the Department.

(e) **The following factors may support a determination, but is not conclusive evidence, that an individual requiring a criminal record exemption has not been rehabilitated or is not presently of good character:**

- (1) False or misleading statements on forms, letters, other documents, or in conversations between the individual or others and the County, in order to obtain or maintain approval or to obtain or maintain a criminal record exemption. This includes the individual's knowing failure to fully disclose his or her criminal history or child abuse or neglect history when required to do so in application documents or interviews.
- (2) The individual is currently on **criminal** probation.
- (3) The individual's statements or testimony denies or minimizes guilt or attempts to impeach a conviction.
- (4) The individual has not sought counseling, treatment, or aftercare for an alcohol or substance abuse problem.
- (5) The individual has not paid full restitution or interest to a victim or only paid it when faced with jail or another consequence.

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- (6) The individual's statements or testimony fails to accept full responsibility for criminal conduct that resulted in a conviction, or the individual fails to express remorse for the conduct that is the subject of an allegation at issue.
- (7) The individual has a recent conviction within the last **five** years for fraud or theft from a government program within the Department's jurisdiction.
- (f) The Department may grant a criminal record exemption that places conditions on an individual's approval or presence in the home of a Resource Family.
- (g) The Department may deny **an individual's** criminal record exemption request if either of the following occurs:
- (1) The individual fails to provide any requested documents.
 - (2) The individual fails to cooperate in the exemption process.
 - (3) **The Department determines the individual is not of good character or has not been rehabilitated.**
- (h) **The Department may rescind an individual's criminal record exemption if any of the following occurs:**
- (1) **The exemption was granted in error.**
 - (2) **The exemption does not comply with current exemption laws or regulations.**
 - (3) **The conviction for which an exemption was granted subsequently becomes non exemptible by law.**
 - (4) **Evidence obtained after the exemption was granted shows that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, any of the following:**
 - (A) **Violation of any applicable law or regulation.**
 - (B) **Any conduct by the individual indicating the individual may pose a risk to the health and safety of any child or nonminor dependent who is or may be placed with a Resource Family.**
 - (C) **Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the County, even if it occurred before the exemption was granted.**

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(D) The individual is convicted of a subsequent crime.

- (i)** If the Department denies an individual's request for a criminal record exemption or rescinds an exemption, the Department shall provide the individual with notice of the denial or rescission.
- (j)** The Department shall take the following actions if a criminal record exemption is denied or rescinded:
- (1)** For **an** applicant, denial of the application for Resource Family Approval.
 - (2)** For **a Resource Family**, rescission of Resource Family Approval.
 - (3)** For **an adult who resides or is regularly present in the home**, if the individual **will** continue to reside or **be** regularly present in the home, then denial of the application or rescission of the approval.
- (k)** The Department shall maintain written documentation containing the reasons for granting, denying, or rescinding a criminal record exemption.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.4 PERMANENCY ASSESSMENT

- (a) A foster family agency shall conduct a permanency assessment that includes all of the following:
- (1) Verification that an applicant completed pre-approval training as specified in Section 88331.6.
 - (2) A psychosocial assessment of the applicant as specified in Section 88331.5.
 - (3) Verification of the completion of any other activities related to an applicant's ability to achieve permanency with a child or nonminor dependent.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997 Stats. 2016, Ch. 612, Sec. 131.. Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.5 PSYCHOSOCIAL ASSESSMENT

- (a) A foster family agency shall conduct interviews as follows:
- (1) A minimum of three face-to-face interviews of an applicant.
 - (A) If there is more than one applicant, then one individual interview of each applicant and one joint interview of all applicants shall occur.
 - (B) At least one additional interview of all applicants, either separately or jointly.
 - (C) One of the required interviews may occur at the following times:
 1. During pre-approval training, if training is provided by the foster family agency.
 2. During the health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home as specified in Section 88331.2.
 - (2) A minimum of one separate face-to-face interview of all other persons, including children and nonminor dependents, residing in the home of an applicant, which shall include but not be limited to the following:
 - (A) Parenting skills of the applicant(s)
 - (B) Strengths and weaknesses of the applicant(s)
 - (3) Additional interviews, including other individuals, as deemed necessary by the foster family agency.
- (b) If an applicant refuses to participate, or is unable to ensure all adults residing in the home participate in the interviews as required in subsection (a), the foster family agency shall deny the Resource Family application except as provided in paragraph (1).
- (1) If an adult residing in the home, other than the applicant, is unable to participate in an interview due to a compelling circumstance, the foster family agency shall determine if the interview is necessary to assess the applicant's ability to be approved as a Resource Family.
- (c) The majority of interviews shall take place in the home of an applicant and shall include observation of the family environment, and if applicable, any parent-child interaction.

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- (d) At a minimum, the following information shall be gathered to complete a psychosocial assessment of an applicant:
- (1) Childhood upbringing and experiences.
 - (2) Adult experiences and personal characteristics.
 - (3) A risk assessment, which shall include:
 - (A) Past and current alcohol and other substance use and abuse history.
 - (B) Physical, emotional, sexual abuse and family domestic violence history.
 - (C) Past and current physical and mental health.
 - (4) Current marital status and history of marriages, domestic partnerships, or significant relationships.
 - (A) If the applicant is married, in a domestic partnership, or resides with a significant other in home, and that individual did not apply for Resource Family Approval, then the reasons for the individual application shall be discussed.
 - (5) Children living in or out of the home.
 - (A) Name.
 - (B) Gender.
 - (C) Date of birth.
 - (D) Relationship to applicant.
 - (E) General health.
 - (F) Past and current behavioral issues.
 - (G) If children are not living in the home, the reason.
 - (H) Custody arrangements and disputes.
 - (6) Parenting approaches.
 - (A) Family traditions or beliefs.
 - (B) Family activities and home environment.
 - (C) Parenting practices and discipline methods.
 - (D) Family's ability to parent a child from different backgrounds or experiences including race, ethnicity, sexual orientation, gender identity, or a child who is gender non-conforming.

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- (7) Use of home address by others not residing in the home and the reasons, if applicable.
 - (A) A foster family agency shall contact any individuals using the home address who are not residing in the home to discuss with the individual the reasons for doing so.
- (8) Discussion of the applicant's criminal record history.
- (9) Social support system.
- (10) Employment.
- (11) Financial situation.
 - (A) Ability to ensure the stability and financial security of the family.
 - (B) Understanding of legal and financial responsibilities when caring for a child or nonminor dependent.
- (12) Motivation to become a Resource Family, including the relationship to a specific child or nonminor dependent **considered** for placement with the applicant.
- (13) Characteristics and demographics of a child or nonminor dependent best served by the applicant.
- (14) Knowledge or experience demonstrating an understanding of the following:**
 - (A) The safety, permanence, protection, and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.**
 - (B) The needs and development of children and nonminor dependents.**
 - (C) Effective parenting skills or knowledge about parenting.**
 - (D) A Resource Family's role.**
 - (E) The rights of children and nonminor dependents in care and a Resource Family's responsibility to safe guard those rights.**
- (15) An ability and willingness to do the following:**
 - (A) Meet the needs of children and nonminor dependents.**
 - (B) Make use of support resources offered by the foster family agency or by a support structure in place, or both.**
 - (C) Act as a reasonable and prudent parent in day-to-day decision making.**

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- (D) Promote a normal, healthy, balanced, and supported childhood experience and treat a child or nonminor dependent as part of the family, to the extent possible.
 - (E) Work cooperatively with the foster family agency and other service providers in implementing a child's or nonminor dependent's needs and services plan.
 - (F) Maintain the least restrictive and most family-like environment that serves the needs of a child or nonminor dependent and provide a safe, nurturing, and stable home.
 - (G) Prepare a child for adulthood or to prepare a nonminor dependent for the transition to independent living.
 - (H) Honor the natural connections of a child or nonminor dependent.
 - (I) Provide permanence to a child or nonminor dependent or prepare a child or nonminor dependent for permanence, including reunification.
- (e) When evaluating information that shows an applicant has a history of conduct that may pose a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual, a foster family agency shall consider the factors specified in Section 88331.31(d) and (e), if applicable, and any other relevant information.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.6 PRE-APPROVAL TRAINING

- (a) A foster family agency shall require an applicant to complete a minimum of 12 hours of pre-approval training prior to Resource Family Approval.
- (b) Pre-approval training shall address the following topics:
 - (1) A Resource Family orientation which includes the requirements set forth in Article 7.
 - (2) The courses specified in Welfare and Institutions Code section 16519.5(g)(13).
 - (3) Knowledge and skills relating to the reasonable and prudent parent standard, as specified in Health and Safety Code section 1522.44.
 - (4) Options for permanency.
 - (5) Birth parent relationships and safety issues regarding contact.

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WIC 16519.5 (g)(13) states in pertinent part:

“The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care, and the Resource Family’s responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school; and ensuring a harassment and violence free school environment pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

(I) Permanence, well-being, and education needs of children.

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- (J) Child and adolescent development, including sexual orientation, gender identity, and expression.
- (K) The role of Resource Families , including working cooperatively with the child welfare or probation agency, the child’s family, and other service providers implementing the case plan.
- (L) The role of a Resource Family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.
- (M) A Resource Family’s responsibility to act as a reasonable and prudent parent, as described in subdivision (c) of Section 1522.44 of the Health and Safety Code, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.
- (N) An overview of the specialized training identified in subdivision (h).

Health and Safety Code section 1522.44 provides in part:

(c) A licensed and certified foster parent or facility staff member, as described in subdivision (b), shall receive training related to the reasonable and prudent parent standard that is consistent with Section 671(a)(24) of Title 42 of the United States Code. This training shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

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- (c) A foster family agency may require an applicant to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent.

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WIC 16519.5 (h) provides:

“In addition to any training required by this section, a county may require a Resource Family or applicant to receive relevant specialized training for the purpose of preparing the Resource Family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

- (1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.
- (2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.
- (3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.
- (4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership and connection to the tribal community and traditions.
- (5) Understanding how to use best practices for providing care and supervision to nonminor dependents.
- (6) Understanding how to use best practices for providing care and supervision to children with special health care needs.
- (7) Understanding the different permanency options and the services and benefits associated with the options.”

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- (d) A foster family agency shall provide an applicant with pre-approval training or shall require that an applicant attend pre-approval training provided by qualified sources that may include colleges, hospitals, foster parent associations, adult schools, and certified foster parent instructors.
 - (1) When a foster family agency does not provide the pre-approval training, the foster family agency shall provide an applicant with information as to where the training is available.

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- (2) Upon request of an applicant, a foster family agency shall make efforts to assist the applicant with accessing training.
- (e) Nothing in this section shall preclude a foster family agency from requiring Resource Family training in excess of the requirements in this section.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.7 WRITTEN REPORT

- (a) A foster family agency shall complete form RFA-05 Resource Family Written Report or an equivalent report of the comprehensive assessment of an applicant.
- (b) A Written Report shall include, but not be limited to, the following:
- (1) Identifying information of an applicant, any adopted, biological, or guardianship children residing in the home, and any adults residing or regularly present in the home.
 - (2) A description of the physical features of the home, including but not limited to, the following:
 - (A) The type of residence, such as a single-family home, apartment, or duplex.
 - (B) The available living space.
 - (C) The number of bedrooms and bathrooms.
 - (D) Any other relevant information, such as the presence of weapons or a pool.
 - (3) An evaluation and determination of whether an applicant's home is safe and in compliance with the requirements contained in Section 88331.2 and Article 6.
 - (4) An evaluation of the results of a background check of an applicant and all adults residing or regularly present in the home, including any exemptions granted, as specified in Sections 88331.3 and 88331.31.
 - (5) An evaluation of the information obtained during the psychosocial assessment of an applicant, including a risk assessment, as specified in Section 88331.5.
 - (A) If an applicant applied as an individual but is currently married, in a domestic partnership, or residing with a significant other in the home, then the evaluation shall include the impact, if any, this has on the applicant's ability to be approved as a Resource Family.
 - (6) Verification that an applicant completed pre-approval training as specified in Section 88431.6.
 - (7) A statement verifying whether an applicant has provided the supporting documentation specified in Section 88431.2(a)(1)(A) through (G).
 - (8) An evaluation of the character references provided pursuant to Section 88431.2(a)(4).

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- (A) If the applicant was unable to provide the required references, then an evaluation of the reasons provided by the applicant for such inability.
- (9) A determination of an applicant's commitment and capability to meet the needs of a child or nonminor dependent placed in his or her home to include, but not be limited to, the following:
- (A) Strengths and weaknesses of the applicant.
 - (B) Whether the applicant would prefer to adopt, become a legal guardian, or provide foster care.
 - (C) Understanding of the needs, safety, permanence, and well-being of children or nonminor dependents, including those who have been victims of abuse or neglect.
- (10) A capacity determination, as specified in Section 88362, and reasons supporting the determination.
- (11) A summary of an applicant's understanding of the legal and financial responsibilities for providing care to a child or nonminor dependent.
- (12) A statement that an applicant has been provided with information specified in Section 88331(g).
- (13) The characteristics of a child or nonminor dependent an applicant may best serve.
- (14) Any resources, services, or training which would assist an applicant in meeting the needs of a child or nonminor dependent.
- (15) A statement that the application for Resource Family approval is approved or denied and the reasons for that determination.
- (c) A foster family agency may approve an application for Resource Family Approval that places conditions on the approval, provided each applicant meets all of the standards for approval. Any conditions shall be specified in writing on the Resource Family Approval certificate.

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- (d)** A foster family agency shall distribute a copy of a written report as follows:
- (1) To an applicant or Resource Family.
 - (2) To the Resource Family case record maintained by the foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88331.8 RESOURCE FAMILY APPROVAL CERTIFICATE

- (a) If a foster family agency approves an application for Resource family Approval, as documented in the Written Report, the foster family agency shall complete form LIC-05A Resource Family Approval Certificate or an equivalent certificate.
- (1) The certificate shall contain the following:
- (A) The name of the foster family agency.
 - (B) The name(s) of the Resource Family.
 - (C) The date of approval.
 - (D) The capacity for which the Resource Family is approved.
 - (E) If applicable, that there are conditions placed on the approval pursuant to Section 88331.7(c).
- (b) A copy of the Resource Family Approval Certificate (LIC-05A) shall be kept in the Resource Family case records maintained by the foster family agency.
- (c) A Resource Family Approval Certificate (LIC-05A) is not transferable to any other person.

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Article 3—Administrative

88344 INSPECTION AUTHORITY OF THE DEPARTMENT

- (a) Section 88044(b) shall not apply to an applicant or Resource Family.
- (b) The Department may inspect the home of a Resource Family in compliance with Health and Safety Code section 1517.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88345 **EVALUATION INSPECTIONS**

- (a) With the exception of Section 88045(d), Section 88045 shall apply.
- (b) A foster family agency shall inform a Resource Family at the time of approval of the Department's authority to conduct inspections of the home of the Resource Family as specified in Health and Safety Code section 1517.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88346 **RESCINDING OR DENYING RESOURCE FAMILY APPROVAL**

- (a) Section 88044.5 shall not apply to an applicant or Resource Family.
- (b) A Resource Family maintains his or her approval status unless approval is rescinded by a foster family agency or the Department or the Resource Family chooses to surrender the approval.
 - (1) If the Department determines that a Resource Family is out of compliance with applicable **laws** or the interim licensing standards, the Department may require a foster family agency to rescind the approval of the Resource Family.
 - (2) If the Department orders a foster family agency to deny a Resource Family Approval application or rescind the approval of a Resource Family, or the Department denies a request for a criminal record exemption, rescinds an exemption, **or excludes an individual from any Resource Family home, the Department shall provide the applicable individual with due process as specified in Health and Safety Code section 1517(c) and Article 12 of the Resource Family Approval Written Directives.**
- (c) A foster family agency or the Department may deny **an application for** Resource Family **Approval** or rescind **the** approval of a Resource Family, **and** the Department may exclude an individual **from presence in any Resource Family home**, for any of the following reasons:
 - (1) Violation of any applicable law or the interim licensing standards.
 - (2) Aiding, abetting, or permitting the violation of any applicable law or the interim licensing standards.
 - (3) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.
 - (4) The conviction of an applicant, **Resource Family** parent, or associated individual, at any time before or during his or her approval, of a crime as defined in Health and Safety Code section 1522.
 - (5) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent

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or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.

(6) Failure to meet application requirements.

(7) Failure to meet Resource Family qualifications.

(8) Inability to provide adequate references.

(9) Failure or refusal to participate in interviews as specified in Section 88331.5(a).

(10) Failure to complete pre-approval or annual training.

(11) Failure to receive a criminal record clearance or exemption.

(12) Failure to meet the home environment assessment standards.

(13) Psychosocial assessment results or other information that indicates an inability to act as a reasonable and prudent parent or to provide or failure to ensure care and supervision of a child or nonminor dependent.

(14) Failure to cooperate or comply as specified in Section 88487.17.

(15) False or misleading statements made to a foster family agency or the Department to obtain or maintain a Resource Family Approval.

(16) Conduct that would indicate the individual is not of reputable or responsible character.

(d) A foster family agency shall not deny an application for Resource Family Approval based on any of the following:

(1) An applicant's reliance on the funding described in Welfare and Institutions Code section 16519.5(l) to meet additional household expenses incurred due to the placement of a child or nonminor dependent.

(2) An applicant's preference to provide a specific level of permanency, including adoption, or guardianship, or in the case of a relative, placement with a fit and willing relative.

(e) A foster family agency shall attempt to resolve areas of concern, if possible, prior to denying an application for Resource Family Approval or rescinding approval.

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(f) A foster family agency shall document the surrender of approval by a Resource Family in the case record for the Resource Family upon receipt of the surrender.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88347 **DOCUMENTED ALTERNATIVE PLAN**

- (a) The Department may approve a Documented Alternative Plan (DAP) for any non-health-and-safety home environment standard set forth in Section 88487.1(a)(8)(A) or (F) .
 - (1) A DAP issued regarding Section 88487.1(a)(8)(A) may be approved for a specific child or nonminor dependent in care.
 - (2) A DAP issued regarding Section 88487.1(a)(8)(F) may be approved for an adult living in the home.
- (b) A foster family agency shall submit a written request for a DAP to the Department on behalf of an applicant or Resource Family with documentation supporting the request. The request shall demonstrate the following:
 - (1) How the intent of the interim licensing standards will be met.
 - (2) How the DAP would not be detrimental to the health and safety of any child or nonminor dependent.
 - (3) That the DAP would be in the best interests of all children and nonminor dependents.
- (c) The Department shall ensure that a DAP meets the following requirements:
 - (1) Provides equal protection in terms of safety, sanitation, and personal rights of each child or nonminor dependent in the home.
 - (2) Demonstrates how the intent of the interim licensing standards will be met.
 - (3) Is not detrimental to the health and safety of any child or nonminor dependent in the home.
 - (4) Is in the best interests of children and nonminor dependents in care.
- (d) The foster family agency shall retain the Department’s written approval or denial of the DAP in the Resource Family case record and provide a copy of an approved DAP to an applicant or Resource Family.

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Article 5—Continuing Requirements for Foster Family Agencies

88360 CONFIDENTIALITY

- (a) A foster family agency shall maintain the confidentiality of all information and records obtained from or related to an applicant or Resource Family in accordance with applicable laws.
- (b) A foster family agency shall comply with its confidentiality policies, procedures, and guidelines. The location of those guidelines shall be made known to all employees and independent contractors. A foster family agency shall inform all of its employees and independent contractors of the confidentiality provisions of this section.
- (c) Any information obtained by a foster family agency pursuant to Sections 88331.3, 88331.31, 88331.5, and 88331.7 shall be maintained in a confidential case file.
- (1) Information included in the Written Report as required by Section 88331.7:
- (A) May be included in any social study prepared for the court to assist the juvenile court in determining whether placement with a relative is appropriate pursuant to Welfare and Institutions Code section 361.3.
- (B) Shall be released as otherwise required by law.
- (d) A foster family agency and the Department may share confidential information and documents containing confidential information that are relevant to the Resource Family.

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88361 REPORTING REQUIREMENTS

- (a) Section 88061 shall not apply to an applicant or Resource Family.
- (b) A foster family agency shall furnish to the **Department** reports as required by the Department, including, but not limited to, **the reports** specified in this section.
- (c) A foster family agency shall submit data and information to the Department, pursuant to Health and Safety Code section 1517(b)(3)(I), within 30 calendar days notice by the Department.

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Health and Safety Code section 1517(b)(3)(I) provides:

“Submitting information and data that the department determines is necessary to study, monitor, and prepare the report specified in paragraph (6) of subdivision (f) of Section 16519.5 of the Welfare and Institutions Code.”

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- (d) A foster family agency shall make a report to the Department when any of the following events occur:
 - (1) Death , serious bodily injury, or risk of death or serious bodily injury to a child or nonminor dependent or other individual **residing in the home**.
 - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or nonminor dependent.

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Penal Code 11165.6 provides, in part, as follows:

“‘[C]hild abuse or neglect’ includes physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. ‘Child abuse or neglect’ does not include a mutual affray between minors. ‘Child abuse or neglect’ does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.”

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- (3) Any injury to or illness of a child or nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
 - (A) This includes a permanent change in any child **or nonminor dependent** from ambulatory to nonambulatory status.
- (4) Any incident that involves a child or nonminor dependent and threatens the physical or emotional health or safety of the child, nonminor dependent, or any individual in the home.
 - (A) Report suicide threats or attempts regardless of injury or treatment.
- (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence **that is unplanned**, or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
 - (A) Report temporary absences if a personal history or the needs and services plan indicate that the child **or nonminor dependent** may be in jeopardy when absent beyond the approved time.
- (6) Communicable disease outbreak.
- (7) Poisonings.
- (8) Catastrophes.
- (9) Fires or explosions that occur in or on the premises **of the home**.

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- (10) Complaints **made concerning** a Resource Family, **which asserts or indicates that a Resource Family may not have met or may not be meeting one or more requirements of the** interim licensing standards **or any applicable law.**
- (11) If a Resource Family becomes licensed to operate a family day care home, as defined in Health and Safety Code section 1596.78.
- (e) A foster family agency shall make the report specified in subsection (d) to the Department by telephone, email, or fax within 24 hours or by the next business day following the event.
- (1) The report specified in subsection (d) shall include the following information, if available:
- (A) The name, address, and telephone number of the Resource Family involved.
 - (B) The name, age, sex, and date of admission of the child or nonminor dependent.
 - (C) The name, address, and telephone number of the foster family agency or other personnel involved.
 - (D) Date and nature of the incident.
 - (E) Whether **a suspected child** abuse report was required and filed.
 - (F) Attending physician's name, findings, and treatment, if any.
 - (G) **Current status of the incident.**
- (2) If the report specified in subsection (d) was made by telephone or did not include all of the information specified in paragraph (1) of subsection (d), then a foster family agency shall submit a written report containing the information to the Department within seven **calendar** days following the event.
- (f) If the analysis of the incident reported takes longer than seven working days, **a foster family agency shall** send an interim written report to the Department within seven days and follow-up with the final written report within ten days of concluding the analysis.

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- (g) A foster family agency shall report to the Department any changes to the Resource Family's mailing address. The report shall **be made** by telephone, email, or fax within ten business days following the change.
- (1) The report shall include the name, old address, and new address of the Resource Family and date of the change.
- (h) A foster family agency shall report as follows to the authorized representative and placement agency for a child or nonminor dependent:
- (1) Report the following events **within 24 hours or by** the next business day:
- (A) The items specified in Sections 88361(d)(1) through (11).
- (B) The removal of a child or nonminor dependent from a Resource Family under emergency circumstances, which may include:
1. Removal by a law enforcement officer when a child or nonminor dependent is arrested.
 2. Removal for emergency medical or mental health care.
- (C) A determination that the foster family agency cannot meet the needs of a child or nonminor dependent and that the child **or nonminor dependent** must be relocated to another placement setting.
- (2) Report the following within seven days:
- (A) The determination that a child or nonminor dependent must be relocated to another Resource Family.
- (B) Information that a child or nonminor dependent is not enrolled in or regularly attending school.
- (3) Report any changes to the Resource Family's mailing address within ten business days following the change.
- (A) The report shall include the name, old address, and new address of the Resource Family and date of the change.
- (i) A foster family shall notify the authorized representative and placement agency for a child or a nonminor dependent by telephone, e-mail, or fax within 30 **calendar** days prior to a Resource Family moving home locations or as soon as the information is available.

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- (j) A foster family agency shall provide to the Department a log of Resource Families that were approved, had an approval rescinded, **or surrendered approval** during the month by the tenth day of the following month.
- (1) During the month, the foster family agency shall notify the Department within one business day of determining it necessary to rescind approval due to any of the following reasons:
- (A) Violation of any applicable law or the interim licensing standards.
 - (B) Aiding, abetting, or permitting the violation of any applicable law or the interim licensing standards.
 - (C) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent, or other individual.
 - (D) The conviction of a Resource Family of a crime as defined in Health and Safety Code section 1522.
 - (E) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.
- (2) **The report specified in paragraph (1) shall be made by the foster family agency web application,** telephone, email, or fax.
- (k) A foster family agency shall notify the local health officer, as **defined in** Title 17, California Code of Regulations, Section 2500, regarding the items specified in Sections 88361(d)(6) through (8).
- (1) **A foster family agency** shall report to the local health officer all outbreaks or suspected outbreaks involving two or more children **or nonminor dependents** of any communicable disease listed in **Title 17, California Code of Regulations, section 2500(j).**

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Title 17, Section 2500(j), lists the following reportable communicable diseases as of March 21, 1997:

- Acquired Immune Deficiency Syndrome (AIDS)
- + Amebiasis
- + Anisakiasis
- ◆ Anthrax
- + Babesiosis
- ◆ Botulism (Infant, Food borne, Wound)
- Brucellosis
- + Campylobacteriosis
- Chancroid
- Chlamydial Infections
- ◆ Cholera
- ◆ Ciguatera Fish Poisoning
- Coccidioidomycosis
- + Colorado Tick Fever
- + Conjunctivitis, Acute Infectious of the Newborn, Specify Etiology
- + Cryptosporidiosis
- Cysticercosis
- ◆ Dengue
- ◆ Diarrhea of the Newborn, Outbreaks
- ◆ Diphtheria
- ◆ Domoic Acid Poisoning (Amnesic Shellfish Poisoning)
- Echinococcosis (Hydatid Disease)
- Ehrlichiosis
- + Encephalitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic
- ◆ Escherichia coli 0157:H7 Infection
- + ● Food borne Disease
- Giardiasis
- Gonococcal Infections
- + Haemophilus influenzae, Invasive Disease
- ◆ Hantavirus Infections
- ◆ Hemolytic Uremic Syndrome
- Hepatitis, Viral
- + Hepatitis A
- Hepatitis B (specify acute case or chronic)
- Hepatitis C (specify acute case or chronic)
- Hepatitis D (Delta)
- Hepatitis, other, acute
- Kawasaki Syndrome (Mucocutaneous Lymph Node Syndrome)

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- Legionellosis
- Leprosy (Hansen Disease)
- Leptospirosis
- + Listeriosis
- Lyme Disease
- + Lymphocytic Choriomeningitis
- + Malaria
- + Measles (Rubeola)
- + Meningitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic
- ◆ Meningococcal Infections
- Mumps
- Non-Gonococcal Urethritis (Excluding Laboratory Confirmed Chlamydial Infections)
- ◆ Paralytic Shellfish Poisoning
- Pelvic Inflammatory Disease (PID)
- + Pertussis (Whooping Cough)
- ◆ Plague, Human or Animal
- + Poliomyelitis, Paralytic
- + Psittacosis
- + Q Fever
- ◆ Rabies, Human or Animal
- + Relapsing Fever
- Reye Syndrome
- Rheumatic Fever, Acute
- Rocky Mountain Spotted Fever
- Rubella (German Measles)
- Rubella Syndrome, Congenital
- + Salmonellosis (Other than Typhoid Fever)
- ◆ Scombroid Fish Poisoning
- + Shigellosis
- + Streptococcal Infection (Outbreaks of Any Type and Individual Cases in Food Handlers and Dairy Workers Only)
- + Swimmer's Itch (Schistosomal Dermatitis)
- + Syphilis
- Tetanus
- Toxic Shock Syndrome
- Toxoplasmosis
- + Trichinosis
- + Tuberculosis
- Tularemia
- + Typhoid Fever, Cases and Carriers
- Typhus Fever
- + Vibrio Infections
- ◆ Viral Hemorrhagic Fevers (e.g., Crimean-Congo, Ebola, Lassa and

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- Marburg viruses)
- + Water-associated Disease
- ◆ Yellow Fever
- + Yersiniosis
- Occurrence of any unusual disease
- ◆ Outbreaks of any disease (including diseases not listed in Section 2500). Specify if institutional and/or open community.

The above symbols have the following meaning:

- (◆) - To be reported immediately by telephone.
 - (+) - To be reported by mailing a report, telephoning, or electronically transmitting a report within one (1) working day of identification of the case or suspected case.
 - (●) - To be reported immediately by telephone, when two (2) or more cases or suspected cases of Food borne disease from separate households are suspected to have the same source of illness.
- (No diamond or cross symbol) - to be reported within seven (7) calendar days by mail, telephone, or electronic report from the time of identification.

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- (l) A foster family agency shall report immediately to the local fire authority any poisonings, fires, or explosions in or on the premises of a Resource Family's home.
 - (1) In areas not having organized fire services, the foster family agency shall report to the State Fire Marshal within 24 hours after the incident occurs.
- (m) A foster family agency shall send, by certified mail, copies of substantiated complaints to the persons designated in each child's or nonminor dependent's placement agreement, as required by Health and Safety Code section 1538.5(b).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88362 CAPACITY DETERMINATION

- (a) A foster family agency shall ensure that the capacity be no more than the total number of children and nonminor dependents that an applicant or Resource Family can properly care for as determined by the foster family agency.
- (1) The capacity may not exceed six, including adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home.
- (2) The Department may approve a capacity greater than six in order to place sibling groups, if all of the following conditions are met:
- (A) The Resource Family is not a specialized Resource Family as defined in Section 88301(s)(4).
- (B) The home is sufficient in size to accommodate the needs of all children and nonminor dependents in the home.
- (b) When determining the capacity of an applicant or Resource Family, a foster family agency shall consider the following:
- (1) An applicant's or Resource Family's ability to comply with applicable laws and interim licensing standards.
- (2) The number of children or nonminor dependents, in addition to any adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, for whom the applicant or Resource Family is capable of providing care and supervision to and that the home can accommodate.
- (3) Any other household members who live in the home and his or her individual needs.
- (4) Circumstances in the family environment that may affect the ability of an applicant or Resource Family to provide care and supervision to a child or nonminor dependent.
- (5) Physical features of a home, including all of the following:
- (A) The available living space.
- (B) The number of bedrooms and bathrooms.

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(C) The distribution of family members in bedrooms.

(D) Number of children or nonminor dependents who may share a bedroom as specified in Section 88487.1(a)(8).

(c) A foster family agency may increase or decrease the capacity of a Resource Family when there is a change in any of the factors specified in subsection (b).

(d) If a foster family agency approves a capacity that is less than that requested by an applicant or Resource Family, the foster family agency shall provide written notification to the applicant that specifies the reasons for the limitation.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety

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88364 ADMINISTRATOR – QUALIFICATIONS AND DUTIES

- (a) In addition to Section 88264, the following sections shall apply.
- (b) An administrator shall ensure that social work personnel have the education and experience necessary to competently participate in the assessment and evaluation of an applicant or Resource Family.
- (c) An administrator shall ensure social work personnel are trained in accordance with the training plan specified in Section 88222.1.
- (d) An administrator shall ensure social work personnel participating in the assessment and evaluation of an applicant or Resource Family meet core competency requirements, including having necessary knowledge and skills.
 - (1) **For purposes of this subsection, “knowledge”** includes an understanding of the following:
 - (A) The child protective and probation systems.**
 - (B) The Resource Family Approval assessment and approval process.
 - (C) The contents of the interim licensing standards.
 - (D) The personal rights of children in foster care and how to ensure those rights are afforded to children.
 - (E) Child and family confidentiality principles.
 - (F) Techniques for interviewing children, nonminor dependents, and adults.
 - (G) Developmental stages of childhood and effects of trauma on development, as well as the impact of poverty on the lives of families and children.
 - (H) The priorities of safety, permanency, and well-being for children in foster care.
 - (I) The impact of trauma, grief, and loss on a child involved in the child welfare system and its impact on placement and permanency goals.
 - (J) The impact of mental health and substance abuse on children and families.
 - (K) Permanency timelines and the role caregivers play in supporting timely permanency.
 - (L) That teaming or collaboration assists in developing solutions that are individualized to the family and their culture, community, and tribes.

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- (M) The practice of cultural humility and how this approach improves family engagement, shows respect for families, and ensures assessments incorporate a family's unique culture.
- (N) Ongoing training and services prepare caregivers to meet the needs of children and nonminor dependents and assists families with forming lifelong relationships.
- (O) Resource Family Approval prepares families to better meet the needs of vulnerable children in the foster care system and assists with a seamless transition to permanency.
- (P) The impact of personal biases when working with children and families.
- (2) **For purposes of this subsection, "skills"** include the ability to do the following:
 - (A) Explain the Resource Family Approval requirements to applicants and Resource Families.
 - (B) Correctly apply the interim licensing standards and applicable laws.
 - (C) Conduct a home environment assessment, psychosocial assessment, and prepare a Written Report.
 - (D) Incorporate an assessment of an applicant's mental health and substance abuse into the risk assessment.
 - (E) Interview children, nonminor dependents, and adults using a variety of interviewing techniques.
 - (F) Conduct visits for assessment purposes in a way that engages Resource Families to build rapport and establish trust.
 - (G) Assess a variety of information including, but not limited to, historical, social, and economic factors pertaining to individuals.
 - (H) Summarize, evaluate, and make a final determination of an applicant in the written report.
 - (I) Utilize teaming or collaborative strategies to engage Resource Families.
 - (J) Ability to assess and identify children who have been abused, neglected, or maltreated.
 - (K) Recognize how personal beliefs, values, norms, and world views can

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affect the dynamics of case planning and outcomes.

- (L) Present self in a manner that is respectful, culturally humble, professional, and adapts well to meet both community and cultural needs of children and families.
 - (M) Collaborate with families to achieve mutual goals, build upon family strengths, and ensure quality comprehensive written reports are developed.
- (e) An administrator shall provide social work personnel with a copy of the interim licensing standards.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Section 1506, Health and Safety Code.

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88365.2 SOCIAL WORK SUPERVISOR

- (a) In addition to Section 88265.2, the following shall apply.
- (b) A social work supervisor shall meet the core competency requirements, including having necessary knowledge and skills, as specified in Section **88364(d)**.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Section 1506, Health and Safety Code.

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88365.3 SOCIAL WORK PERSONNEL

- (a) In addition to Section 88265.3, the following shall apply.
- (b) Social work personnel shall meet the core competency requirements, including having necessary knowledge and skills, as specified in Section **88364(d)**.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Section 1506, Health and Safety Code.

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88369.7 CONTENT OF RESOURCE FAMILY CASE RECORD

- (a) Section 88069.7 shall not apply to Resource Families.
- (b) A foster family agency shall **securely** maintain a case record for each Resource Family.
- (c) A Resource Family case record shall include the following information:
 - (1) A copy of the completed application and supporting documentation, as required by Section 88331.
 - (2) Documentation pertaining to the comprehensive assessment, as required by Section 88331, which includes the following
 - (A) Home environment assessment pursuant to Section 88331.2.
 - (B) Background checks pursuant to Section 88331.3.
 - (C) Psychosocial assessment pursuant to Section 88331.4.
 - (D) Pre-approval training pursuant to Section 88331.5.
 - (E) Reference checks.
 - (3) Documentation pertaining to annual updates **and any approval updates**.
 - (4) Verification, including supporting documentation, of annual training.
 - (5) Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code section 11164 et seq.
 - (6) A copy of the Resource Family Approval Certificate and the Written Report.
 - (7) A record of each child or nonminor dependent placed with the Resource Family and the dates the child or nonminor dependent was in care.
 - (8) A copy of any complaint investigation report and the action taken by a foster family agency or the Department.
 - (9) A copy of documentation regarding any action, including the decisions reached, taken against a Resource Family by a foster family agency or Department.
 - (10) A copy of all documented alternative plans, pursuant to Section **88347**.
 - (11) Documentation of receipt of surrender.**
- (d) A Resource Family case record shall be confidential and shall be available only to the **Department**, placement agency staff, and foster family agency personnel that need access to the information to perform their duties..

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- (1) This requirement does not relieve a foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties.
- (e) All case records shall be available to the Department to inspect, audit, and copy upon demand during normal business hours.
- (1) Records may be removed if necessary for copying.
- (2) Removal of records shall be subject to the following requirements:
- (A) Department representatives shall not remove any current emergency or health-related information for children or nonminor dependents unless the same information is otherwise readily available in another document or format.
- (B) Prior to removing any records, a Department representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
- (C) Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (f) A foster family agency shall securely retain all case records for at least three years following the date of surrender or rescission of the approval of a Resource Family.

NOTE: Authority cited: Section 1530, Health and Safety Code and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1506.7, 1522, 1522.1 and 1531, Health and Safety Code.

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88370 **MONITORING RESOURCE FAMILIES**

- (a) A foster family agency shall monitor Resource Families through the following:
- (1) Conducting annual updates and approval updates as required by Section 88371, 88371.1, and 88371.2.
 - (2) Visiting the homes of Resource Families periodically and as necessary to ensure Resource Families conform to applicable laws and the interim licensing standards.
 - (3) Developing corrective action plans and requiring Resource Families to comply with corrective action plans to correct identified deficiencies.
- (b) A foster family agency shall document each visit to the home of a Resource Family. A copy of the visit report shall be provided to the Resource Family upon completion.
- (c) A foster family agency shall ensure that any employee or independent contractor of the foster family agency, who identifies a condition that may adversely impact the health and safety of a child or nonminor dependent, takes appropriate actions and reports his or her observations to the foster family agency.
- (1) A foster family agency shall ensure that its employees and independent contractors comply with the Child Abuse and Neglect Reporting Act (CANRA) (Penal Code section 11164 et seq.).
 - (A) A supervisor or administrator shall not impede or inhibit the reporting duties of a mandated reporter.
 - (B) A foster family agency shall not sanction, punish, or discipline any person for making a report.
 - (C) A foster family agency shall not direct an employee or independent contractor to allow his or her supervisor to file or process a mandated report on their behalf or require an employee or independent contractor to disclose his or her identity to the employer.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88371 ANNUAL UPDATE OF RESOURCE FAMILY APPROVAL

- (a) At least annually a foster family agency shall update the approval of a Resource Family.
- (1) An update shall begin no sooner than 60 **calendar** days prior to the approval anniversary date and shall be completed no later than 30 **calendar** days after that date.
- (2) **A foster family agency shall conduct an announced inspection of the home pursuant to subsection (b)(2).**
- (b) During an update of a Resource Family's approval, a foster family agency shall:
- (1) Ask the Resource Family to verify that all **personal** information on the Written Report is current and updated.
- (2) Conduct a **health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the** home using form LIC-03: Resource Family Home **Health and Safety Assessment** Checklist to ensure compliance with **Article 6.**
- (3) Verify with the Department that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.
- (A) If there are new adults residing or regularly present in the home, complete a background check for each new adult.
- (4) Address any significant changes to the psychosocial assessment, including **but not limited to,** the following:
- (A) A change in the number of people residing in the home.
1. Any additional individuals residing or regularly present in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person.
2. Any adult moving in or out of the home.
- (B) A change in marital status.
- (C) A change in the physical or mental health of a child, nonminor dependent or any other residents in the home, including the Resource Family.
- (D) A move to a new home location.
- (E) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.

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- (F) A change in employment or financial situation.
- (G) A change in any information evaluated in the risk assessment as specified in Section 88331.5(d)(3).
- (5) Interview all individuals residing in the home.
 - (A) If an individual is unavailable or refuses to be interviewed, document the reasons why, and determine whether to continue the approval based on the circumstances given.
- (6) Review the Resource Family's current capacity and increase or decrease the capacity if necessary in accordance with Section 88362.
- (7) Ensure annual training has been completed pursuant to Section 88372.
 - (A) If training is not current and complete, a foster family agency shall develop a corrective action plan.
 - (B) An update may not be finalized until the Resource Family completes the annual training.
- (8) Review current DAP(s) and evaluate for continued approval of the DAP(s).
- (9) Determine whether a Resource Family shall complete additional activities related to their continued approval.
- (c) If any deficiencies are identified, a foster family agency shall develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
- (d) A foster family agency shall complete form RFA-06: Resource Family Annual Update Report or an equivalent form, and shall provide a copy of the form to a Resource Family upon completion.
- (e) A completed update shall begin a new annual period.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131 . Reference: Sections 1530 and 1531, Health and Safety Code.

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88371.1 APPROVAL UPDATE DUE TO SIGNIFICANT CHANGE

- (a) A foster family agency shall complete an update to a Resource Family approval prior to the annual update if, in the foster family agency's judgment, significant changes have occurred in the Resource Family's circumstances that warrant an update.
 - (1) An update due to a significant change shall begin within 30 **calendar** days of a foster family agency's knowledge of the change unless good cause exists as determined by the foster family agency.
- (b) A significant change may include, but not be limited to those identified in Section 88371(b)(5).
- (c) An update shall include the items specified in Section 88371(b)(1) through (b)(9).
- (d) If any deficiencies are identified, a foster family agency shall develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.**
- (e) A foster family agency shall **complete** form RFA-06: Resource Family **Annual** Update Report or an equivalent form and shall provide a copy of the **form** to a Resource Family upon completion.
- (f) A completed update shall begin a new annual period.

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88371.2 APPROVAL UPDATE DUE TO RELOCATION

- (a) Section 88033 shall not apply.
- (b) Within 30 **calendar** days of being notified that a Resource Family has moved, a foster family agency shall update the Resource Family's approval.
- (c) An update shall include, but not be limited to, the items specified in Section 88371(b)(1) through (b)(9).
- (d) If any deficiencies are identified, a foster family agency shall develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.**
- (e) A foster family agency shall **complete** form RFA-06: Resource Family **Annual** Update Report or an equivalent form and shall provide a copy of the **form** to a Resource Family upon completion.
- (f) A completed update shall begin a new annual period.
- (g) Approval of the Resource Family shall remain in full force and effect pending the outcome of the update.**

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88371.3 APPROVAL UPDATE DUE TO ADDITION OR REMOVAL OF A RESOURCE FAMILY PARENT

- (a) An individual who resides in the home of a Resource Family may apply to be added to the approval.
- (1) The individual shall:
- (A) Comply with the applicant qualifications specified in Section 88431.1
- (B) Comply with the application requirements specified in paragraphs (1), (2), (4), (5), (6), (7) and (8) of Section 88431.2(a).
- (C) Except for Section 88431.2(a)(1)(F) provide the supporting documentation specified in Section Section 88431.2(a)(1).
- (2) The foster family agency shall complete an update to the Resource Family's approval to include the items specified in Section 88371(b)(1) through (b)(9).
- (3) If the foster family agency approves the application, then the foster family agency shall complete form LIC-05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 88331.8.
- (b) If one member of a Resource Family no longer wishes to be approved, a foster family agency shall require the member to surrender his or her approval.
- (1) The surrender shall be submitted in writing to the foster family agency.
- (2) The foster family agency shall complete an update to the Resource Family's approval for the remaining member of the Resource Family to include the items specified in Section 88371(b)(1) through (b)(9).
- (c) If any deficiencies are identified, a foster family agency shall develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
- (d) A foster family agency shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
- (A) The existing approval of the Resource Family shall be maintained until an update pursuant to this section is completed.

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- (B) The existing approval of the Resource Family shall be maintained even in the event the new application is denied unless the Resource Family surrenders their approval or the approval is rescinded.
- (e) A completed update shall begin a new annual period.

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88372 ANNUAL TRAINING

- (a) A foster family agency shall require **each member of** a Resource Family to complete a minimum of **eight** hours of annual training, provided by qualified sources that may include those listed in Section 88331.6 (d), and which shall include the following:
- (1) One or more of the courses specified in Welfare and Institutions Code section 16519.5(g)(13).
 - (2) Knowledge and skills related to the application of the reasonable and prudent parent standard for the participation of a child in age or developmentally appropriate activities, as set forth in Health and Safety Code section 1522.44.
- (b) Annual training may include the following topics:
- (1) Trauma informed care and attachment.
 - (2) Core Practice Model.
 - (3) Crisis intervention.
 - (4) Behavior management.
 - (5) Supporting children and nonminor dependents in school.
 - (6) Effects of drug and alcohol abuse on children and nonminor dependents.
 - (7) Effects of domestic violence on children and nonminor dependents.
 - (8) Administration of psychotropic medications.
 - (9) Emancipation and independent living.
- (c) In addition to the training specified in subsection (a), a foster family agency shall verify that each member of a Resource Family maintains current certificates for cardio-pulmonary resuscitation (CPR) and first aid training.**
- (d) A foster family agency may require a Resource Family to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent in care.
- (e) Nothing in this section shall preclude a foster family agency from requiring Resource Family training in excess of the requirements in this section.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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Article 5 –Resource Family Approval Applicant Requirements

88431.1 APPLICANT QUALIFICATIONS

- (a) An applicant shall be at least 18 years of age.
- (b) An applicant shall be in good physical and mental health.
 - (1) Good physical health shall be verified by a health screening performed by a health professional issued not more than **one year** prior to the date of the application and a screening or test for tuberculosis not more than one year old.
 - (3) Good mental health **may include, but not be limited to, information** that shows the applicant has not engaged in conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, **or other individual.**
- (c) **An applicant may apply to be a Resource Family regardless of his or her immigration status.**

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88431.2 APPLICATION FOR RESOURCE FAMILY APPROVAL

- (a) **To become a** Resource Family, **an** applicant shall comply with the following requirements:
- (1) Submit a **completed** Resource Family Application (LIC-01A) and, **prior to approval,** provide the following supporting documentation to a foster family agency:
 - (A) Proof of identity.
 - (B) Consent for the foster family agency to obtain a Department of Motor Vehicles report on each applicant and all adults residing or regularly present in the home who may frequently transport children or nonminor dependents.
 - (C) Verification of good physical health, including a health screening by a health professional that was issued not more than **one year** prior to the date of application and a screening or test for tuberculosis not more than one year old for all adults residing in the home.
 - (D) If employed, verification of current employment.
 - (E) Verification of the applicant's current income and disclosure of expenses.
 - (F) Documents verifying that the applicant owns or rents the home in which the applicant resides.
 - (G) History of the applicant's prior or present status as an approved relative or nonrelative extended family member, a certified family home, or an employee, volunteer, or licensee of a community care facility.
 - (2)** Consent to release all requested evaluative reports and records, including physical and mental health.
 - (3)** Allow a home **health and safety** assessment, **of the home and grounds, outdoor activity space, and storage areas,** pursuant to Section 88331.2, **to determine whether there are** conditions in the home that affect the health, safety, and well-being of a child or nonminor dependent.
 - (4)** Consent to a background check pursuant to Section 88331.3, including completing and submitting form LIC 508D: Out-Of-State Disclosure and

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Criminal Record Statement and, if applicable, form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State will not complete the LIC 198B.

- (5) Participate in the psychosocial assessment, pursuant to Section 88331.5, which includes a comprehensive inquiry into the applicant's personal history, family history, and family dynamics.
 - (6) Complete pre-approval training as specified in Section 88431.3 and as required by the foster family agency.
 - (7) Complete any other activities, as determined by a foster family agency, related to an applicant's ability to achieve permanency with a child or nonminor dependent or to help determine the applicant's ability to be approved as a Resource Family.
- (b) An applicant shall have the right to withdraw, in writing, an application.
- (c) An applicant or any individual requesting a criminal record exemption shall notify a foster family agency or the Department, as applicable, in writing of any change in mailing address or telephone number.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88431.3 PRE-APPROVAL AND ANNUAL TRAINING REQUIREMENTS

- (a) An applicant shall complete a minimum of 12 hours of pre-approval training in the topics specified in Section 88331.5(b).
- (b) An applicant shall obtain age-appropriate training in cardiopulmonary resuscitation (CPR) and first aid.
 - (1) An applicant shall submit copies of the certificates verifying completion of the training specified in subsection (b) to a foster family agency prior to approval.
 - (2) Prior to expiration of the certificates specified in paragraph (1), a Resource Family shall obtain age-appropriate training in cardiopulmonary resuscitation (CPR) and first aid and submit copies of the certificates verifying completion of the training to a foster family agency.
 - (3) Cardiopulmonary resuscitation (CPR) and first aid training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority (EMSA), or a course offered by an accredited college or university.
- (c) A Resource Family shall complete a minimum of eight hours of annual training, as specified in Section 88372.
- (d) Nothing in this section shall preclude a foster family agency from requiring Resource Family training in excess of the requirements in this section.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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Article 6—Continuing Requirements for Resource Families

88487.1 HOME AND GROUNDS

- (a) The home and grounds of a Resource Family shall meet the following requirements:
- (1) The home shall be clean, safe, sanitary, and in good repair.
 - (2) Except for a home with a sprinkler system, a home shall have an approved, commercially manufactured, and functioning carbon monoxide detector and smoke alarm or smoke detector installed in the hallway of each sleeping area in the home. A detector and alarm shall be audible in each bedroom.
 - (A) A carbon monoxide detector shall meet the standards set forth in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of the Health and Safety Code.
 - (B) A smoke alarm or smoke detector shall meet the standards set forth in Section 13113.7 of the Health and Safety Code.
 - (3) All outdoor and indoor passageways, stairways, inclines, ramps, and open porches in and on the grounds of the home shall be free of obstruction.
 - (4) At least one toilet, sink, and tub or shower shall be maintained in a safe, clean, and operating condition.
 - (A) Bathrooms shall be located inside the home.
 - (B) Faucets to be used by a child or nonminor dependent for personal care and grooming shall deliver hot water at a safe temperature.
 - (C) If age **or** developmentally appropriate, individual privacy shall be provided to a child or nonminor dependent in all toilet, bath, and shower areas.
 - (5) Fireplaces, open-faced heaters, or woodstoves shall be maintained to ensure safe operation.
 - (6) A safe and comfortable temperature shall be maintained in the home.
 - (7) There shall be lighting as necessary in all rooms and other areas of the home and grounds to ensure comfort and safety.

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- (8) **BEDROOMS:** Bedrooms in the home shall meet, at a minimum, the following requirements:
- (A) No more than four children or nonminor dependents, or one child and one nonminor dependent, may share a bedroom.
 - (B) In bedrooms shared by a Resource Family and infant, no more than two infants shall share the room.
 - 1. Only infants may share a bedroom with a Resource Family.
 - (C) Children of different sexes shall not share a bedroom unless:
 - 1. Each child is under eight years of age.
 - 2. A minor parent may share a bedroom with his or her child.
 - 3. A foster family agency is permitting a child to share a bedroom consistent with the child's gender identity regardless of the gender or sex listed on his or her court or child welfare documents.
 - (D) A child and nonminor dependent may share a bedroom under the following circumstances:
 - 1. The child and nonminor dependent are siblings.
 - 2. The child and nonminor dependent have been sharing a bedroom prior to the nonminor **dependent** turning 18 and remain compatible to share the bedroom.
 - 3. A nonminor dependent parent may share a bedroom with his or her child.
 - 4. The child is 16 years of age or older.
 - (E) When determining whether children and/or a nonminor dependent may share a bedroom, a Resource Family and foster family agency shall document that the bedroom sharing arrangement ensures the health and safety of each child and/or nonminor dependent and that the children and/or nonminor dependent are compatible.
 - 1. When ensuring compatibility, a Resource Family and foster family agency shall:

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- a. Consider the age of the children and/or nonminor dependent, including the degree of age difference between them.
 - b. Consult with the child and/or nonminor dependent, in an age **or** developmentally appropriate manner, regarding the child's or nonminor dependent's sexual orientation and gender identity and what information the child or nonminor dependent wishes to disclose and to whom.
 - i. The Resource Family shall not disclose information about the child's or nonminor dependent's sexual orientation and/or gender identity against the child's or nonminor dependent's wishes, unless compelled to do so by law or court order.
 - c. Consider the needs of a minor or nonminor dependent parent and his or her child.
 - d. Consider the developmental levels and needs of each child or nonminor dependent.
 - e. Consider the privacy needs of each child or nonminor dependent and the plans to meet those needs.
 - f. Consider the child's or nonminor dependent's history, including sleeping arrangements at home and any factors that may indicate an incompatibility, if known.
 - g. Consider any history or suspicion of sexual abuse or sexual exploitation.
 - h. Consider the supervision plan within the home.**
 - i.** Consider the sleeping patterns of the children and/or nonminor dependents and if they may be disruptive to one another.
2. Documentation specified in subparagraph (E) shall be maintained in the child's or nonminor dependent's case record.

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- (F) A room that is commonly used for other purposes may not be used as a bedroom. Such rooms shall include but not be limited to, halls, stairways, public passageways, unfinished attics or basements, garages, storage areas, sheds, or similar detached buildings.
- (G) A room commonly used for other purposes that is converted to a bedroom may be used as a bedroom if it does not pose a hazard to health and safety. If a foster family agency suspects that there is a hazard to health and safety, a Resource Family may be required to have the converted bedroom inspected by a local building inspector.
- (H) Each bedroom shall have at least one operable window or door that ensures a safe, direct, emergency exit to the outside.
 - 1. A window with security bars shall have a safety release device that meets all state and local requirements.
 - 2. If the home of a Resource Family is in a high-rise building, the Resource Family is subject to the rules and regulations set forth by the State Fire Marshal.
- (I) Each child or nonminor dependent shall be provided with an individual bed which is equipped with a clean and comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.
 - 1. Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
 - 2. Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
- (J) Bunk beds of more than two tiers shall not be used.
 - 1. Bunk beds shall have railings on both sides of the upper tier to prevent falling.
 - 2. A child under six years of age or who is unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.

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(K) Each infant, or child requiring a crib, shall be provided with a safe and sturdy bassinet or crib as appropriate to the age and size of the infant or child. The following shall apply to cribs:

1. Tiered or stacked cribs, or cribs with drop sides, shall not be used.
2. Crib slats shall not pose the danger of an infant or child being trapped.
3. Crib mattresses shall be clean, comfortable, and fit properly in the crib.
4. Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
5. An infant or child who can climb out of a crib shall be provided with an age-appropriate bed.

(L) Each bedroom shall have portable or permanent closets and drawer space to accommodate a child's or nonminor dependent's clothing and personal belongings.

(M) A Resource Family may request a documented alternative plan (DAP) pursuant to **Section 88347** that authorizes alternative ways the Resource Family may comply with subsections (a)(8)(A) or (a)(8)(F).

(b) A Resource Family who intends to accept a child or nonminor dependent with a developmental, mental, or physical disability shall make necessary modifications to the home and grounds to provide protection and assistance and to maximize the potential of a child or nonminor dependent for self-sufficiency.

(c) A Resource Family shall not smoke or permit any other person to smoke inside the home, and, when a child or nonminor dependent is present, on the outdoor grounds of the home.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.2 OUTDOOR ACTIVITY SPACE

- (a) If a Resource Family provides a yard or outdoor activity space, the Resource Family shall comply with the following requirements:
 - (1) A yard or outdoor activity space shall be free from hazards that endanger the health and safety of a child or a nonminor dependent.
- (b) A Resource Family shall ensure that swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible if he or she accepts placement of any of the following individuals:
 - (1) A child under ten years of age.
 - (2) A child who is developmentally, mentally, or physically disabled.
 - (3) A nonminor dependent who is developmentally, mentally, or physically disabled.
 - (4) A minor or nonminor dependent parent's child who is under ten years of age or developmentally, mentally, or physically disabled.
- (c) A Resource Family shall apply the reasonable and prudent parent standard, as set forth in Section 88487.12, when deciding whether a child should have access to fish ponds, fountains, creeks, and similar bodies of water.
- (d) A Resource Family shall ensure the inaccessibility of swimming pools, fixed in-place wading pools, hot tubs, spas, or similar bodies of water by using at least one of the safety features described in paragraphs (1) or (2):
 - (1) The pool shall be isolated from access to the home by an enclosure, as defined in Health and Safety Code section 115921, and as specified in Health and Safety Code section 115923 and does not obscure the pool from view.
 - (A) If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922(a)(2), an applicant or a Resource Family shall ensure that it is installed and maintained according to the manufacturer's specifications.
 - (2) The pool shall be equipped with an approved safety pool cover.
 - (A) A pool safety net that meets the American Society for Testing and Materials specifications (F 1346) is considered an approved safety pool cover.

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- (B) Pool covers shall be supported by flotation devices.
- (3) When a foster family agency determines that it is not possible for a Resource Family to comply with paragraphs (1) or (2), the home shall be equipped with exit alarms on doors and windows that provide direct access to the pool. The alarms shall meet the following requirements:
- (A) Produces an audible warning when the door or window is opened.
- (B) Sounds continuously for a minimum of 30 seconds within seven seconds after the door is opened.
- (C) Meets the requirements of UL 2017 General Purpose Signaling Devices and Systems, Section 77.
- (D) Have a minimum sound pressure rating of 85 dBA at 10 feet and the sound of the alarm should be distinctive from other household sounds, such as smoke alarms, telephones, and door bells.
- (E) Automatically resets under all conditions.
- (F) Equipped with manual means, such as touchpads or switches, to temporarily deactivate the alarm for a single opening of the door from either direction. Such deactivation shall last for no more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches above the threshold of the door.
- (4) A Resource Family may use other means of protection, if the degree of protection afforded is equal to or greater than any of the devices described in paragraphs (1) through (3). The other means of protection shall be approved in writing by the Department.
- (5) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible, and if the pool is less than 60 inches in height, by the use of an enclosure. Any enclosure, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (d)(1).
- (6) All pools that cannot be emptied after each use shall have an operative pump and filtering system.

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- (e) A Resource Family shall ensure that an adult who is able to swim provides continual supervision when a child or individual specified in subsection (b) is using a pool or other body of water required to be made inaccessible, as specified in subsection (d).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.3 STORAGE AREA REQUIREMENTS

- (a) Except as specified in subsections (c) and (d), a Resource Family shall store medicines, disinfectants, and cleaning solutions where they are inaccessible to a child or nonminor dependent.
- (b) A Resource Family shall store poisons, firearms, and other dangerous items or weapons in a locked storage area.
 - (1) In lieu of locked storage of firearms, a Resource Family may use trigger locks or remove the firing pin.
 - (2) Ammunition and firing pins shall be stored and locked separately from firearms.
- (c) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 88487.12, in determining if it is age **or** developmentally appropriate for a child to have access to and use the following items:
 - (1) Household kitchen knives and appliances for use in meal preparation.
 - (2) Medications necessary for self-administration by the child.
 - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (d) A Resource Family shall permit a nonminor dependent to have access to the following items:
 - (1) Household kitchen knives and appliances for use in meal preparation.
 - (2) Medications necessary for self-administration by the nonminor dependent.
 - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (e) In allowing a child or a nonminor dependent to access and use the items specified in subsections (c) and (d), a Resource Family shall ensure that the safety of a child, a nonminor dependent, and others in the home is maintained.
- (f) A Resource Family shall store and dispose of waste in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.4 FIRE CLEARANCE

- (a) A Resource Family shall have any necessary fire clearance for his or her home when the Resource Family intends to provide care to **either of the following:**
- (1) A child or nonminor dependent who is non-ambulatory.
 - (2) More than six children or nonminor dependents.**
- (b) If a fire clearance for the home of a Resource Family is necessary, the Resource Family shall obtain a fire clearance from the city or county fire department, district providing fire protection services, or State Fire Marshal's Office that has jurisdiction in the area where the home is located and provide a copy of the fire clearance to a foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.5 EMERGENCY PROCEDURES

- (a) A Resource Family shall place emergency telephone numbers in a prominent location in the home.
- (b) A Resource Family shall ensure that an occasional short-term babysitter and an alternative caregiver know where the emergency telephone numbers are located.
- (c) At the time of placement of a child or nonminor dependent with a Resource Family, and every six months after placement, the Resource Family shall discuss and practice emergency procedures for the home with the child or nonminor dependent as age **or** developmentally appropriate.
- (d) A Resource Family shall review the emergency procedures with an occasional short-term babysitter or an alternative caregiver.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.6 REPORTING REQUIREMENTS

- (a) A Resource Family shall make a report to a foster family agency when any of the following events occur:
- (1) Death , serious bodily injury, or risk of death or serious bodily injury to a child, nonminor dependent, or other individual **residing in the home**.
 - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or a nonminor dependent.
 - (3) Any injury to or illness of a child or a nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
 - (A) This includes a permanent change in any child or nonminor dependent from ambulatory to nonambulatory status, if a fire clearance has not been obtained.
 - (4) Any incident that involves a child or a nonminor dependent and threatens the physical or emotional health or safety of the child, nonminor dependent, or any individual in the home.
 - (A) Report suicide threats or attempts regardless of injury or treatment.
 - (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence **that is unplanned** or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
 - (A) Report temporary absences if a personal history or the needs and services plan indicate that a child or nonminor dependent may be in jeopardy when absent beyond the approved time.
 - (6) Removal of a child or a nonminor dependent from the home under emergency circumstances, which may include:
 - (A) Removal by a law enforcement officer when a child or nonminor dependent is arrested.
 - (B) Removal for emergency medical or mental health care.
 - (7) Relocation by the authorized representative for a child or nonminor dependent.

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- (8) Communicable disease outbreak as reported to **a** Resource Family by a health professional or by the local health authority.
 - (9) Poisonings, which shall also be reported immediately to the local fire authority.
 - (A) If a Resource Family is located in an area that does not have organized fire services, the Resource Family shall make a report to the State Fire Marshal within 24 hours after the poisoning occurs.
 - (10) Catastrophes.
 - (11) Fires or explosions that occur in or on the premises of the home.
 - (12) If a Resource Family becomes licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
 - (13) All changes in the composition of a Resource Family household, including, but not limited to, the following:
 - (A) Any additional individuals residing or regularly present in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person.
 - (B) Any adult moving in or out of the home.
 - (C) Except for a nonminor dependent, anyone who resides or is regularly present in the home who reaches his or her 18th birthday.
 - (14)** A change in marital status.
 - (15) A significant change in the physical or mental health of a child, nonminor dependent or any other residents in the home, including the Resource Family.
- (b) A Resource Family shall make the report specified in subsection (a) to a foster family agency by telephone, e-mail, or fax within 24 hours or by the next business day following the event.
- (1) The report specified in subsection (a) shall include the following information, if available:
 - (A) The name, age, sex, and date of admission of the child or nonminor dependent.
 - (B) Date and nature of the incident.
 - (C) Whether a Suspected Child Abuse Report was required and filed.

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- (D) Attending physician's name, findings, and treatment, if any.
- (E) Current status of the incident.
- (2) If the report specified in subsection (a) was made by telephone or did not include all of the information specified in paragraph (1) of subsection (b), then a Resource Family shall submit a written report containing the information to a foster family agency within seven days following the event.
- (c) A Resource Family shall notify a foster family agency of any changes to the Resource Family's mailing address. The notification shall occur by telephone, e-mail, or fax within ten business days following the change.
- (d) A Resource Family shall notify a foster family agency by telephone, e-mail, or fax within 30 days prior to moving home locations or as soon as the information is available.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.7 RECORDS REQUIREMENTS

- (a) A Resource Family shall maintain separate, complete, and current records in the home for a child. A child's case record shall include the following:
- (1) The name of the child, birth date, and date of placement with the Resource Family.
 - (2) A summary of the child's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
 - (3) The Resource Family shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, the child's immunization records and any official grade or progress reports.
 - (4) Written authorization for the Resource Family to obtain medical and dental care in an emergency if authorization by the placement agency cannot be obtained.
 - (5) The needs and services plan for the child.
 - (6) An itemized inventory list of the child's cash resources, personal property, and valuables.
 - (7) A copy of the personal rights accorded to a child.
 - (8) Written instructions by the physician of a child regarding the provision of family health care.
 - (9) Documentation of the date, time, and dose of any prescription medications and injections given to a child and the results of any glucose testing or monitoring for a child as described in Sections 88487.15 and 88487.16.
- (b) A Resource Family shall maintain separate, complete, and current records in the home for a nonminor dependent. A nonminor dependent's case record shall include the following:
- (1) The name of the nonminor dependent, birth date, and date of placement with the Resource Family.
 - (2) A summary of the nonminor dependent's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
 - (3) The pre-placement appraisal.

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- (4) The transitional independent living plan.
 - (5) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the Resource Family, then an itemized inventory list of these items.
 - (6) A copy of the personal rights accorded to a nonminor dependent.
 - (7) Written instructions by the physician of a nonminor dependent regarding the provision of family health care.
 - (8) Documentation of the date, time, and dose of any prescription medications and injections given to a nonminor dependent and the results of any glucose testing or monitoring for a nonminor dependent as described in Sections 88487.15 and 88487.151.
- (c) A nonminor dependent shall have access to his or her records in a manner that ensures the confidentiality of other records maintained in the home.
- (d) A Resource Family is not responsible for obtaining and maintaining a nonminor dependent's health and educational information, but may assist the nonminor dependent with any recordkeeping that the nonminor dependent requests of the Resource Family. This health and education information may include, but not be limited to, the following:
- (1) School records.
 - (2) Immunization records.
 - (3) Medical records.
- (e) Upon the request of a nonminor dependent, a Resource Family shall assist the nonminor dependent in obtaining and keeping his or her own records. These records may include, but not be limited to, the following:
- (1) A certified birth certificate.
 - (2) A Social Security card.
 - (3) A California or other state identification card or driver's license.
 - (4) A proof of citizenship or residency status; or for an alien, evidence of an approved petition for special immigrant juvenile status pursuant to Title 8, C.F.R. Section 204.11.
 - (5) Death certificates of parents, if applicable.

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- (6) A proof of county dependency status for education aid applications.
 - (7) Written information concerning the nonminor dependent's dependency or delinquency case including: information about the nonminor dependent's family history; the nonminor dependent's placement history; the names, telephone numbers, and addresses of siblings and other relatives; and the procedures for inspecting the documents described under Welfare and Institutions Code section 827.
- (f) All records for a child, as specified in subsection (a), or a nonminor dependent, as specified in subsection (b), shall be available to a foster family agency or the Department to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) The foster family agency or the Department representative shall not remove any current emergency or health-related records for a child or nonminor dependent unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, the foster family agency or the Department representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records and leave a copy of the list with the Resource Family.
 - (3) The foster family agency or the Department representative shall return the records to the home undamaged and in good order within three business days following the date the records were removed.
- (g) If a child or nonminor dependent is removed or discharged from a home, a Resource Family shall distribute the child's or nonminor dependent's records as follows:
- (1) The child's or nonminor dependent's placement agency shall receive originals and any copies of all records.
 - (2) The child's or nonminor dependent's authorized representative, if applicable, shall receive copies of all records.
 - (3) The nonminor dependent shall receive copies of all records.

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- (h) A Resource Family shall maintain all information and records regarding a child or nonminor dependent in a confidential manner and not disclose any confidential information except as otherwise authorized by law.
- (i) A Resource Family shall maintain copies of current certificates verifying completion of age-appropriate cardio-pulmonary resuscitation (CPR) and first aid training.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131** . Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.8 PERSONAL RIGHTS

- (a) A Resource Family shall ensure that each child and nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9.
- (b) In addition to subsection (a), a Resource Family shall ensure that each child is accorded the following personal rights:
- (1) To be informed of and exercise their personal rights without harassment or punishment.
 - (2) To be free from corporal or unusual punishment; infliction of pain; humiliation; intimidation; ridicule; coercion; threat; physical, sexual, emotional, mental, or other abuse; or other actions of a punitive nature including interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.
 - (3) To make and receive confidential telephone calls and send and receive unopened mail and electronic communication, unless prohibited by court order.
 - (A) Unless prohibited by court order or the placement agency for the child, a child may acquire, possess, and use his or her own cellular telephone.
 - (4) To have access to letter writing material.
 - (5) To be accorded dignity in his or her personal relationships with other persons in the home.
 - (6) To be free from unreasonable searches of person.
 - (7) Not to be restrained or placed in any restraining device.
 - (8) To obtain, possess and use contraception including, but not limited to, birth control medication, emergency contraception, long-acting reversible contraceptives, condoms, and barrier methods.
 - (9) To be free to accept or decline a Resource Family's request to babysit the Resource Family's children, including adopted, biological, foster, and guardianship children.
 - (10) To be provided with and allowed to acquire, possess, and use adequate personal items, which includes his or her own:

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- (A) Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, and are in accordance with Welfare and Institutions Code section 16001.9(a)(23).
 - (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age **or** developmentally appropriate.
 - (C) Belongings, including items that were a gift to the child.
- (11) Provided the rights of others are not infringed upon, to have visitors that include:
- (A) Relatives, unless prohibited by court order.
 - (B) The authorized representative for the child.
 - (C) Other visitors, unless prohibited by court order or by the authorized representative for the child.
- (12) To be informed, and to have his or her authorized representative informed, by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the Department, and about the confidentiality of complaints.
- (13) To be accorded the independence appropriate to the age, maturity, and capability of the child consistent with the child's needs and services plan or the transitional independent living plan (TILP), if applicable.
- (14) To have private or personal information, including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, and information relating to the biological family of the child, maintained in confidence.
- (A) A Resource Family shall disclose information about the child to a foster family agency, the Juvenile Court, and the child's biological family, social worker, placement worker, probation officer, tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
 - (B) As needed to ensure appropriate care, supervision, or education of the child, a Resource Family shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school

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officials, and other persons, unless such disclosure is prohibited by court order.

(15) To receive medical, dental, vision, and mental health services.

(A) Medical services may include, but are not limited to, services related to the prevention or treatment of pregnancy, sexual assault, or rape; and at 12 years of age or older, the prevention, diagnosis, or treatment of sexually-transmitted diseases.

1. A child may consent personally to the services described in subsection (A), without the knowledge or consent of a parent, guardian, social worker, probation officer, judge, or authorized representative.

2. A child may obtain these services confidentially, unless prohibited by law.

(c) In addition to subsection (a), a Resource Family shall ensure that each nonminor dependent is accorded the following personal rights:

(1) The rights specified in paragraphs (1) through **(9)** of subsection (b).

(2) To be provided with and allowed to acquire, possess, maintain, and use adequate personal items which include the nonminor dependent's own:

(A) Clothes.

(B) Toiletries and personal hygiene products.

(C) Belongings, including gifts to the nonminor dependent, furniture, equipment, and supplies, for his or her personal living space in accordance with his or her interests, needs, and tastes.

(3) To have adequate privacy for visitors that include:

(A) Relatives, unless prohibited by court order.

(B) The placement agency.

(C) Other visitors, unless prohibited by court order.

(4) To be informed by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the Department, and about the confidentiality of complaints.

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- (5) To have the independence appropriate to the status of a legal adult, consistent with the needs and services plan or the transitional independent living plan for the nonminor dependent.
- (6) To have private or personal information, including any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, and information relating to the biological family of the nonminor dependent, maintained in confidence.
 - (A) There shall be no release of confidential information without the prior written consent of a nonminor dependent, and this information shall only be released to the extent permitted by law.
 - 1. A Resource Family shall, with the consent of a nonminor dependent, disclose relevant and necessary information about the nonminor dependent.
 - 2. A Resource Family shall disclose information about a nonminor dependent to the foster family agency, the Department, the Juvenile Court, and the nonminor dependent's biological family, social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
 - 3. As needed to ensure appropriate care, supervision, or education of a nonminor dependent, a Resource Family shall disclose information to school officials and other persons, unless such disclosure is prohibited by court order.
- (7) To access information regarding available educational, training, and employment options of the nonminor dependent's choosing.
- (8) To select, obtain, prepare, and store food of the nonminor dependent's choosing.
- (9) To select, obtain, or decline medical, dental, vision, and mental health care and related services at the nonminor dependent's discretion.
- (10) To leave or depart the home at any time at the nonminor dependent's discretion.
- (11) To acquire, possess, maintain, and use a personal vehicle for transportation.

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- (12) To acquire, possess, and use a personal cellular telephone.
- (d) In ensuring the rights of a child or a nonminor dependent, a Resource Family is not required to take any action that would impair the health and safety of a child, a nonminor dependent, or others in the home **consistent with Welfare and Institutions Code section 16001.9(b).**
- (1) A Resource Family is not prohibited from taking the following actions for the protection of a child, a nonminor dependent, or others in the home:
- (A) Establishing house rules, that may include rules regarding visitation, that shall apply to all visitors; curfew; dating; completing homework; laundry and cleaning bedrooms and other areas; and use of entertainment equipment.
- (B) Locking exterior doors and windows as long as a child or a nonminor dependent can enter or exit the home.

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Welfare and Institutions Code section 16001.9, subsection (b) provides in part:

Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

HANDBOOK ENDS HERE

- (e) At the following times, a Resource Family shall ensure a child or a nonminor dependent is verbally notified, in an age **or** developmentally appropriate manner, of his or her rights, as specified in this section and in Welfare and Institutions Code section 16001.9, and provided with a written copy of these rights and information regarding agencies a child or a nonminor dependent may contact concerning violation of these rights:
- (1) Upon placement in the home.
- (2) Upon the request of a child or a nonminor dependent.
- (3) Each time new rights have been added to Welfare and Institutions Code section 16001.9 or this section.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.9 TELEPHONES

- (a) A Resource Family shall have cellular telephone, Internet telephone, or landline telephone service in the home at all times.
- (b) Telephone service shall be accessible to a child or a nonminor dependent in the home at all times.
- (c) A Resource Family is not required to purchase a cellular telephone for a child or nonminor dependent or pay for a child's or nonminor dependent's personal cellular telephone service fees.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.10 TRANSPORTATION

- (a) A Resource Family shall ensure that a child or a nonminor dependent is provided with transportation for the following situations:
 - (1) Health-related services.
 - (2) School.
 - (3) Extracurricular, enrichment, cultural and social activities, provided the transportation to these activities is reasonable.
- (b) When determining if the transportation to an activity for a child or nonminor dependent is reasonable, a Resource Family may consider the location, frequency, cost for transportation, and time necessary to provide transportation.
- (c) A Resource Family shall ensure that all individuals who transport a child or a nonminor dependent have a valid driver's license and use motor vehicles that are in safe operating condition.
- (d) A Resource Family shall ensure that the motor vehicles used to transport a child or nonminor dependent have current registration and automobile insurance.
- (e) (1) A Resource Family shall ensure that a child is properly restrained in an appropriate child passenger restraint system based on the child's age, weight, and size while being transported in a motor vehicle in accordance with applicable laws.
 - (2) A Resource Family shall ensure that a nonminor dependent is properly restrained by a safety belt while being transported in a motor vehicle in accordance with applicable laws.
- (f) A Resource Family shall not smoke, or permit any individual to smoke a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle that is regularly used for providing transportation to a child or nonminor dependent.
- (g) Transportation shall be provided in accordance with any other arrangements specified in the needs and services plan or transitional independent living plan for a child or nonminor dependent.
- (h) A Resource Family shall ensure that a nonminor dependent is provided with transportation under the following additional conditions:

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- (1) Except for the transportation described in subsection (a), transportation shall be provided by arrangement between a Resource Family and the nonminor dependent.
- (2) A nonminor dependent shall be permitted to arrange for his or her transportation.
- (3) A nonminor dependent may, but is not required to, provide transportation to others.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.11 FOOD AND NUTRITION

- (a) A Resource Family shall provide or ensure nutritious meals, snacks, and beverages and meet any special dietary needs, as documented in the needs and services plan for a child or nonminor dependent, or as recommended by the physician of a child or nonminor dependent.
- (1) The quantity and quality of food available to household members shall be equally available to a child or nonminor dependent.
- (b) A Resource Family shall invite a child or nonminor dependent to participate in all household meals.
- (c) A Resource Family shall ensure that a child, or nonminor dependent is provided with the following:
- (1) Age-appropriate food, snacks, and beverages.
- (2) At least three meals per day.
- (d) A Resource Family shall ensure that an infant, who is unable to hold a bottle, is held during bottle-feeding. A bottle given to an infant able to hold his or her own bottle shall be unbreakable. A bottle shall not be propped up for an infant.
- (e) A Resource Family may encourage a child, as age **or** developmentally appropriate, to learn meal preparation, but shall not require a child to prepare meals.
- (f) A Resource Family shall ensure that a nonminor dependent is provided with access to food, snacks, and beverages under the following additional conditions:
- (1) As agreed upon with a Resource Family, a nonminor dependent shall be permitted to plan meals, grocery shop, and store and prepare food.
- (2) A nonminor dependent shall have access to all meal preparation areas, appliances, and utensils for meal preparation.
- (3) A nonminor dependent may prepare meals.
- (4) A Resource Family may not require a nonminor dependent to prepare meals.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.12 REASONABLE AND PRUDENT STANDARD

- (a) A Resource Family shall be responsible for applying the reasonable and prudent parent standard, as defined in Section 88201(r)(1), in providing care and supervision to a child.
- (1) Except for circumstances that involve a child, or the determination and selection of an occasional short-term babysitter as specified in Section 88478.13, the reasonable and prudent parent standard does not apply to a nonminor dependent.
 - (2) Applying the reasonable and prudent parent standard shall not result in denying the rights of a child as specified in Welfare and Institutions Code section 16001.9 and Section 88487. 8 or contradict court orders or the needs and services plan for the child.
- (b) In applying the reasonable and prudent parent standard, a Resource Family shall consider the following:
- (1) The age, maturity, and developmental level of a child.
 - (2) The nature and inherent risks of harm of the activity.
 - (3) The best interests of a child based on information known by the Resource Family.
 - (4) The behavioral history of a child and the child's ability to safely participate in the activity.
 - (5) The importance of encouraging a child's emotional and developmental growth.
 - (A) Emotional and developmental growth may include, but not be limited to, the following:
 1. The child's level of understanding about healthy relationships.
 2. The child's level of understanding about sexuality and body development.
 3. Feelings about spirituality.
 4. Other stages of maturity experienced during.
 - (6) The importance of providing a child with a sense of normalcy in the most family-like living experience possible.
- (c) A Resource Family shall consider information provided or known about a child when determining the best interests of a child. This information includes the history,

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behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identity, developmental level of, and court orders for the child.

- (1) A Resource Family may contact the child's social worker, physician, counselor, or educator to obtain the information described in subsection (c).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.13 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION

- (a) A Resource Family shall provide care and supervision that meets the needs of a child or nonminor dependent and ensures health, safety, and well-being.
 - (1) If a Resource Family provides care for a minor or nonminor dependent parent and his or her child, the Resource Family shall work with the minor or nonminor dependent parent, the foster family agency, and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as described in Welfare and Institutions Code sections 11465(d)(3) and 16501.25(b).
- (b) A Resource Family shall provide care and supervision in accordance with the needs and services plan of a child or nonminor dependent, the placement agreement, and transitional independent living plan, if applicable.
- (c) A Resource Family may arrange for other care and supervision of a child as follows:
 - (1) An occasional short-term babysitter.
 - (A) If a Resource Family anticipates being absent from the home for less than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a child.
 - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 88487.12, in determining and selecting an appropriate babysitter for occasional short-term use, including determining whether it is appropriate for a child or nonminor dependent to act as an occasional short-term babysitter.
 - 1. A child or nonminor dependent shall not be required to babysit.
 - (C) An occasional short-term babysitter may be under 18 years of age, but shall have the maturity, experience, and ability necessary to provide adequate care and supervision to a child.
 - (D) When a child is in the care of an occasional short-term babysitter, a Resource Family shall ensure that the babysitter knows how to contact the Resource Family in case of an emergency.

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- (2) An alternative caregiver.
- (A) If a Resource Family anticipates being absent from the home for longer than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an alternative caregiver to provide care and supervision to a child unless prohibited by the child's social worker or probation officer, court order, or the foster family agency.
- (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in 88487.12, in determining and selecting an appropriate alternative caregiver.
- (C) An alternative caregiver shall meet the following requirements:
1. Be 18 or older.
 2. Have a criminal record clearance or exemption that includes the following:
 - a. Child Abuse Central Index check pursuant to Health and Safety Code section 1522.1.
 - b. Fingerprint-based information check, which includes the receipt of a state and federal criminal offender record information search pursuant to Health and Safety Code section 1522.
 3. Have the willingness and ability to and shall comply with applicable laws and Article [6](#).
 4. Have the willingness and ability to provide care and supervision to a child, taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, developmental level of, and court orders for a child.
- (D) The care and supervision during a Resource Family's absence shall occur in the Resource Family's home or an alternative caregiver's home.
1. If an alternative caregiver will provide care and supervision in his or her home, a Resource Family shall apply the reasonable and prudent parent standard to determine that the alternative

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caregiver's home is safe and appropriate for the child and the child's personal rights will be respected.

- (E) Prior to a Resource Family's absence, the Resource Family shall provide verbal or written notification to the social worker or probation officer for a child as follows:
 - 1. The dates the Resource Family plans to be absent from the home.
 - 2. The name, telephone number, and address, if applicable, of the alternative caregiver.
 - 3. An emergency telephone number where the Resource Family can be contacted during his or her absence.
- (F) A Resource Family shall obtain prior approval from the social worker or probation officer for a child for any absence that exceeds 72 hours .
- (G) Before entrusting a child to an alternative caregiver, a Resource Family shall provide the alternative caregiver with the following:
 - 1. Information about the emotional, behavioral, medical, or physical conditions of a child, if any.
 - 2. Any medication for which an alternative caregiver must assist a child with self-administration or as permitted by Health and Safety Code section 1507.25(b)(1), consistent with instructions from the child's physician.
 - 3. The name and telephone number of the social worker or probation officer for a child and the Resource Family's emergency contact information.
- (3) Respite care.
 - (A) A Resource Family may use respite care approved by a county child welfare agency or probation department.
 - (B) A respite caregiver shall be an approved relative or NREFM, a licensed foster family home, a certified family home, or a Resource Family.
- (4) Leaving a Child Alone.

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- (A) If a Resource Family anticipates being absent from the home on an occasional basis, the Resource Family may leave a child over age 10 in the home without adult supervision, but shall not leave a child unsupervised overnight.
 - (B) A Resource Family shall apply the reasonable and prudent parent standard as set forth in Section 88487.12, to determine the appropriateness of leaving a child over age 10 in the home without adult supervision.
 - (C) Before leaving a child alone, a Resource Family shall ensure that the child knows the following:
 - 1. Where emergency numbers are posted.
 - 2. Emergency procedures.
 - 3. Where and how to contact the Resource Family.
- (5) Licensed and license-exempt child care.
- (A) A Resource Family may arrange for a child to be cared for by a licensed child day care facility, as defined in Health and Safety Code section 1596.750, or a licensed family day care home, as defined in Health and Safety Code section 1596.78.
 - (B) A Resource Family may arrange for a child to be cared for by any of the following programs exempt from licensure pursuant to Health and Safety Code section 1596.792:
 - 1. Any arrangement for the receiving and care of children by a relative as described in Health and Safety Code section 1596.792 (f) if contact with that relative is approved by the child's social worker or probation officer.
 - 2. A public recreation program as described in Health and Safety Code section 1596.792(g).
 - 3. Extended day care programs operated by public or private schools as described in Health and Safety Code section 1596.792(h).

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4. Any child day care program that offers temporary child care services to parents as described in Health and Safety Code section 1596.792(k).
 5. Any program that provides activities for children of an instructional nature in a classroom-like setting as described in Health and Safety Code section 1596.792(l).
- (6) A Resource Family may permit a child to participate in extracurricular, enrichment, cultural and social activities as specified in Section 88487.14.
- (d) A Resource Family who chooses to leave a child in a parked vehicle shall do the following:
- (1) Comply with the requirements of Vehicle Code section 15620.
 - (2) Apply the reasonable and prudent parent standard, as specified in Section 88487.12, to determine whether it is appropriate to leave the child in a parked vehicle.
- (e) A Resource Family is responsible for ensuring care and supervision of the children of a minor parent placed in the home.
- (1) A Resource Family shall provide direct care and supervision of the children of a minor parent during the hours that the minor parent is unavailable or unable to provide care and supervision.
 - (A) Unless restricted by a child's needs and services plan or court order, a Resource Family shall permit and facilitate connections between a child and his or her relatives and nonrelative extended family members and other caring and committed adults.
 1. In permitting and facilitating the connections described in subsection (A), a Resource Family is not required to take any action that would impair the health and safety of a child.
- (f) A Resource Family shall provide care and supervision to a nonminor dependent as follows:

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- (1) A Resource Family shall provide care and supervision in accordance with a nonminor dependent's needs and services plan and transitional independent living plan.
- (2) A Resource Family shall assist a nonminor dependent with developing the skills necessary for self-sufficiency, including the following:
 - (A) Financial literacy.
 - (B) Nutrition and healthy food choices, grocery shopping, and meal preparation.
 - (C) Identifying a suitable home and home maintenance.
 - (D) Child care.
 - (E) Automotive maintenance.
 - (F) Educational and career development.
 - (G) Obtaining medical, dental, vision, and mental health care.
 - (H) Access to community resources.
 - (I) Developing and reaching goals.
 - (J) Self-care, including laundry.
 - (K) Drug and alcohol abuse awareness and prevention.
 - (L) Safe sex and reproductive health information.
- (3) A Resource Family may arrange for other care and supervision of a nonminor dependent as follows:
 - (A) If a Resource Family anticipates being absent from the home, the Resource Family is permitted to leave a nonminor dependent in the home alone and may leave a nonminor dependent in the home without adult supervision.
 1. In making a decision to leave a nonminor dependent home alone, a Resource Family shall maintain the health and safety of the nonminor dependent.
 2. A Resource Family shall consider the maturity, experience, and ability of a nonminor dependent when leaving the nonminor dependent in the home alone.

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3. Before leaving a nonminor dependent in the home alone, a Resource Family shall ensure that the nonminor dependent knows the following:
 - a. The location of emergency telephone numbers.
 - b. Emergency procedures.
 - c. Where and how to contact the Resource Family.
- (B) A Resource Family may leave a nonminor dependent in the home alone for more than 72 hours if the following occur:
 1. The Resource Family shall provide verbal or written notification to the placement agency for the nonminor dependent that includes the following:
 - a. The dates the Resource Family plans to be absent from the home.
 - b. An emergency telephone number where the Resource Family can be reached in their absence.
 2. The Resource Family shall obtain prior approval from the placement agency for the nonminor dependent before leaving the nonminor dependent alone in the home for more than 72 hours.
- (C) A Resource Family is responsible for ensuring that a nonminor dependent parent provides care and supervision for the nonminor dependent's children.
 1. A Resource Family shall provide direct care and supervision of the children of a nonminor dependent parent during the hours that the nonminor dependent parent is unavailable or unable to provide care and supervision.
- (g) Unless restricted by a needs and services plan, Transitional Independent Living Plan, or court order, a Resource Family shall encourage a nonminor dependent to seek, select, and maintain permanent connections between the nonminor dependent and his or her relatives and nonrelative extended family members and other caring and committed adults.

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- (1) In encouraging the nonminor dependent's connections described in subsection (g), a Resource Family is not required to take any action that would impair the health and safety of a nonminor dependent.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.14 EXTRACURRICULAR, ENRICHMENT, CULTURAL, AND SOCIAL
ACTIVITIES

- (a) A Resource Family shall promote a child's participation in age and developmentally appropriate extracurricular, enrichment, cultural, and social activities, as specified in Welfare and Institutions Code sections 362.05 and 727.
- (1) A Resource Family shall permit a child to participate in the activity in a manner that affirms his or her gender identity or gender expression.
- (b) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 88487.12, in determining whether to permit a child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- (c) A child or a nonminor dependent shall be entitled to participate in extracurricular, enrichment, cultural, and social activities that may include, but not be limited to, the following:
- (1) Sports
 - (2) School or after-school activities, including band, dances, and field trips.
 - (3) Leisure time, including bike riding, socializing with friends, shopping, and going to the movies.
 - (4) Community events, including concerts, dances, plays, and celebrations of special events.
 - (5) Dating.
 - (6) Overnight activities lasting one or more days, including sleepovers with friends.
 - (7) Babysitting.
 - (8) Having visitors in the home.
 - (9) Use of computer equipment or similar electronic devices, if available.
 - (A) Computer equipment and similar electronic devices made available to other children in the household shall be available to a child of similar age and maturity.
 - (B) A Resource Family is not required to incur a cost to provide access to a computer or similar electronic device.
 - (10) Use of a cellular telephone, if available.

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- (d) For a child age 16 or older or a nonminor dependent, a Resource Family shall provide access to information regarding available vocational and postsecondary educational options. The information may include, but not be limited to, the following:
- (1) Admission criteria for universities, community colleges, trade or vocational schools.
 - (2) Informational brochures and Internet research on postsecondary or vocational schools or programs, independent living skills programs, employment-related programs, and other local resources to assist youth.
 - (3) Campus tours.
 - (4) Community or school-sponsored events promoting postsecondary or vocational schools or programs, internships, volunteerism, or employment.
 - (5) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to a current or former foster child and contact information for the Student Aid Commission.
 - (6) Career options, requirements, and salary information for trade, vocational, or professional careers.

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A Resource Family may access the following information in providing assistance to a child or nonminor dependent interested in attending college:

- (1) Application for admission.
 - (A) An application for California community colleges can be found online at <http://www.cccapply.org>.
 - (B) An application for California State Universities can be found online at <http://www.csumentor.edu>.
 - (C) An application for Universities of California can be found online at <http://universityofcalifornia.edu/admissions>.
- (2) Contact with a Foster Youth Success Initiative (FYSI) Liaison.
 - (A) FYSI liaisons at all California community colleges can be found online at <http://extranet.cccco.edu/Divisions/StudentServices/FosterYouthSuccessInitiative.s.aspx>.
- (3) Financial aid.

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- (A) A Free Application for Federal Student Aid (FAFSA) can be found online at: <http://www.fafsa.ed.gov/options.htm>.
- (B) An application for a Board of Governors fee waiver for California community colleges can be found online at <http://www.icanaffordcollege.com>.
- (C) An application for the Chafee Education and Training Voucher grant program for foster youth can be found online at <https://www.chafee.csac.ca.gov/default.aspx>.
- (4) Participation in Extended Opportunity Programs and Services (EOPS) and Disability Support Programs and Services (DSPS).
- (5) Placement in college courses.
- (6) College orientation and course planning.
- (7) Enrollment.
- (8) Payment of fees.
- (9) Access to miscellaneous higher education resources.
- (A) General college planning information can be found online at <http://www.college.gov/prepare-for-college>.
- (B) A listing of California community colleges can be found online at <http://californiacommunitycolleges.cccco.edu/maps/alphaList.asp>.
- (C) Information about academic support, such as Guardian or Renaissance Scholar programs available to foster youth attending college, can be found online at <http://www.cacollegepathways.org/programs.php>.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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88487.15 HEALTH RELATED SERVICES

- (a) Family health care shall be provided by a Resource Family to a child, and as requested by a nonminor dependent, in accordance with the written instructions from the health professional for the child or nonminor dependent.
- (1) The Resource Family shall ask the health professional to provide adequate and practical written instructions.
- (b) A Resource Family shall maintain first aid supplies appropriate to the needs of a child or nonminor dependent.
- (1) A Resource Family shall ensure that a nonminor dependent has access to the first aid supplies.
- (c) When a child or nonminor dependent has a health condition that requires medication, including injections, a Resource Family shall comply with the following:
- (1) Assist a child with self-administration of the medication as directed on the label or in writing by the physician of the child.
- (A) If the physician of a child gives permission, as specified in Section 88487.16(f), the child may self-administer medications, including injections.
- (2) Assist a nonminor dependent with self-administration of the medication, if requested by the nonminor dependent, as directed on the label or in writing by the physician of the nonminor dependent.
- (3) Ensure that instructions are followed as outlined by the appropriate health professional.
- (4) Store medication in the original container with the original unaltered label.
- (5) Document the date, time, and dose of any prescription medication given to a child or nonminor dependent.
- (6) If a child or nonminor dependent cannot determine his or her own need for medication, a Resource Family shall determine the need of the child or nonminor dependent in accordance with written medical instructions.
- (d) Under no circumstances shall a child or nonminor dependent be required to take psychotropic medication without a court order as specified in Section 88487.16(g).

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A Resource Family is encouraged to document the administration of medication to a child or nonminor dependent using a log. A medication log can be a useful tool in determining if a child is receiving the correct medication. It can also assist in determining if the child may have a more serious problem that would require a visit to a physician. If school staff are authorized to administer medication, the Resource Family is encouraged to request documentation that the medication was given.

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(e) For children 12 years of age or older, a Resource Family shall allow access and assist a child or nonminor dependent in accessing age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections (STIs).

(1) A Resource Family shall direct a child or nonminor dependent to reliable sources of information.

(2) A Resource Family shall not require a child or nonminor dependent to practice abstinence.

(f) A Resource Family shall maintain documentation of all prescription medications given to a child or nonminor dependent in the case record for a child or nonminor dependent as specified in Section 88487.7.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.25, 1507.5, 1530.6 and 1531, Health and Safety Code; Sections 361.2(j) - (j)(1)(C), 369.5, and 739.5, Welfare and Institutions Code; and Section 2727(a), Business and Professions Code.

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88487.16 EMERGENCY MEDICAL ASSISTANCE, INJECTIONS, AND SELF-ADMINISTRATION OF MEDICATIONS

- (a) A Resource Family or designated substitute caregiver may provide emergency medical assistance to a child or nonminor dependent and give injections to a child or nonminor dependent for severe diabetic hypoglycemia and anaphylactic shock.
- (b) A Resource Family or designated substitute caregiver may give prescribed injections, including insulin, to a child or nonminor dependent as prescribed by the physician of the child or nonminor dependent.
- (c) Prior to administering any medical assistance or injections authorized by this section, a Resource Family and designated substitute caregiver shall obtain training from a health professional within his or her scope of practice.
- (d) A Resource Family shall ensure that the date, time and dose of all injections administered given to a child or nonminor dependent, including injections self-administered by a child, are documented by the person giving the injection or assisting with the self-administration of the injection.
- (e) A Resource Family shall ensure the date, time, and results of glucose testing and monitoring for a child or nonminor dependent are documented by the person assisting with the testing.
- (f) Unless prohibited by court order, a child may self-administer medication or injections if the physician of a child gives permission. A Resource Family shall ensure that a child knows how to do all of the following:
 - (1) Self-administer their medication and injections.
 - (2) Document when they self-administer their medication and injections.
 - (3) Properly store the medication so that it is not accessible to other children or nonminor dependents.
- (g) Psychotropic medication shall only be given to a child if the Juvenile Court has approved a medication request by a physician, as provided in Welfare and Institutions Code section 369.5 or 739.5.

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(h) A Resource Family shall maintain documentation of all injections given pursuant to subsection (d) and the results of all glucose testing and monitoring pursuant to subsection (e) in the case record for a child or nonminor dependent as specified in Section 88487.7.

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Welfare and Institutions Code section 369.5, subsection (a) provides:

"(a) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."

Welfare and Institutions Code section 739.5, subsection (a) provides:

"(a) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."

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NOTE: Authority cited: Sections 1530, and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 1507.25, Health and Safety Code; and Section 369.5 and 739.5, Welfare and Institutions Code.

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88487.17 COOPERATION AND COMPLIANCE

- (a) A Resource Family shall not make or disseminate any false or misleading statements in regard to Resource Family Approval or operation of the home. This includes, but is not limited to, information regarding a Resource Family, family members, adults living in the home, persons who currently provide or may provide care or supervision to a child or nonminor dependent, or any of the services provided to a child or nonminor dependent.
- (b) A Resource Family shall comply and maintain compliance with all applicable laws and interim licensing standards.
- (c) A Resource Family shall cooperate with a foster family agency, Department, or service providers in completing the requirements, qualifications, or training specified in the interim licensing standards or as directed by the foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and **AB 1997, Stats. 2016, Ch. 612, Sec. 131**. Reference: Sections 1530 and 1531, Health and Safety Code.

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Article 7—Requirements for Specialized Resource Families

88510.1 LIMITATIONS ON CAPACITY FOR SPECIALIZED RESOURCE FAMILIES

- (a) The capacity of a specialized Resource Family may not exceed six children **as specified in Section 88362(a)(1).**
- (b) A specialized Resource Family shall not care for more than two children or nonminor dependents with or without special health care needs except as provided in subsection (c).
- (c) A specialized Resource Family may accept a third child or nonminor dependent with or without special health care needs provided the capacity is not exceeded and all of the following conditions are met:
 - (1) The placement agency determines the following:
 - (A) The county or regional center service area in which the specialized **Resource Family's home** is located has no other specialized foster care home as defined in Welfare and Institutions Code section 17710, foster family home, Resource Family, small family home, or certified family home available to care for the child or nonminor dependent.
 - (B) The specialized Resource Family can meet the psychological and social needs of the child or nonminor dependent.
 - (C) The individualized health care plan team for each child or nonminor dependent with special health care needs placed with the specialized Resource Family has considered the number of adopted, biological, guardianship, and foster children living in the home and has determined that placement of a third child or nonminor dependent will not jeopardize their health and safety.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 361.2(j)(1)(A), 17710, 17731, 17732, and 17736(b), Welfare and Institutions Code; and Sections 1502(a), 1507, 1507.2, 1507.5, 1530.6, and 1531, Health and Safety Code.

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88510.2 PROHIBITION OF LICENSURE FOR SPECIALIZED RESOURCE FAMILIES

- (a) A specialized Resource Family shall not be licensed to operate a family child care home or residential facility at the same premises as the home of the specialized Resource Family.
- (1) A Resource Family who plans to care for a child with special health care needs **and holds any license specified in subsection (a)** shall surrender **the** license prior to becoming a specialized Resource Family and accepting a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 17732, Welfare and Institutions Code; and Section 1531, Health and Safety Code.

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88565.1 CONTINUING LICENSING REQUIREMENTS FOR SPECIALIZED RESOURCE FAMILIES

- (a) **Except as otherwise specified, a specialized Resource Family shall comply with the provisions of this article and Article 6.**
- (1) **A Specialized Resource Family shall ensure that any person who provides specialized in-home health care to a child with special health care needs complies with the applicable provisions of this article and Article 11.**
- (b) Before accepting a child with special health care needs or when a child's needs change, a specialized Resource Family and any person who provides care to a child with special health care needs shall complete training provided by a health care practitioner as required by the child's individualized health care plan and as specified in Welfare and Institutions Code section 17731(c)(3) and (5), except as follows::
- (1) The specialized Resource Family is a health care practitioner, and
- (2) The child's individualized health care plan team determines that completion of specialized in-home health care training is unnecessary based on the medical qualifications and expertise of the specialized Resource Family.

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Welfare and Institutions Code section 17731, subsections (c)(3) and (5) provide:

"...(c) The county plan shall meet all the requirements specified in this subdivision. The regional center shall not be required to submit a plan. However, all requirements specified in this subdivision shall be met prior to a regional center placement of a child who is not a court dependent and who has special health care needs.

(3) Foster parents shall be trained by health care professionals pursuant to the discharge plan of the facility releasing the child being placed in, or currently in, foster care. Additional training shall be provided as needed during the placement of the child and to the child's biological parent or parents when the child is being reunified with his or her family.

(5) Assistant caregivers, on-call assistants, respite care workers, and other personnel caring for children with special health care needs shall complete training or additional training by a health care professional in accordance with paragraph (3)..."

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- (c) Within 30 **calendar** days of accepting a child with special health care needs, a specialized Resource Family shall obtain a written medical assessment of the child.
- (1) A medical assessment shall meet the following requirements:
- (A) A medical assessment may not be more than one year old.
 - (B) A medical assessment of a child with special health care needs shall include the results of an examination for communicable tuberculosis (TB) and other contagious or **infectious** diseases.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 362.04 and 17731, Welfare and Institutions Code; and Sections 1531 and 1562, Health and Safety Code.

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88566 ADDITIONAL RECORDS FOR SPECIALIZED RESOURCE FAMILIES

- (a) A specialized Resource Family shall **maintain** documentation verifying completion of the training or exemption from the training as specified in Section 88565.1 **(b) for each member of the Resource Family and any person who provides care to a child with special health care needs.**
- (1) Exemption documentation shall include the following:
- (A) A copy of a valid license or certificate indicating that the specialized Resource Family is a health care practitioner.
- (B) A written statement that the individualized health care plan team for a child with special health care needs has determined that specialized in-home health care training is unnecessary.
- (b) If a specialized Resource Family needs additional help to care for a child with special health care needs, the Resource Family shall obtain the following information from all persons who will provide care to the child and maintain the information in the Resource Family's records:
- (1) Full name.
- (2) Copy of the Driver's License of any person who will transport the child.
- (3) Date the person started providing additional help in the home.
- (4) Home address and telephone number.
- (5) Past related experience and where this experience was obtained.
- (6) Duties.
- (7) Date the person last worked, if no longer working in the home.
- (c) A specialized Resource Family shall maintain records of health screenings and tests for tuberculosis for any person **who provides care to a child with special health care needs.**
- (d) A specialized Resource Family shall maintain a copy of the individualized health care plan, and any updates to the plan, for a child with special health care needs.
- (e) A specialized Resource Family shall maintain all records in the home and shall make the records available to **a foster family agency and** the Department to inspect, audit, and copy upon demand during normal business hours. The **foster family agency or** Department may remove records from the home if necessary for copying. Removal of records by the

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foster family agency or Department shall be subject to the following requirements:

- (1) The foster family agency or Department representatives shall not remove any current emergency or health-related information for current specialized Resource Families or children with special health care needs unless the information is readily available in another document or format.
 - (2) Prior to removing any children's records from a home, the foster family agency or Department representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the specialized Resource Family.
 - (3) The foster family agency or Department representatives shall return the children's records to the specialized Resource Family undamaged and in good order within three business days following the date the records were removed.
- (f) A specialized Resource Family shall retain all records that pertain to **persons** who provide additional help for at least three years after **they** helped in the home.

NOTE: Section 17730, Welfare and Institutions Code; Sections 1530, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 17731, Welfare and Institutions Code; and Sections 1501, 1501.1, 1507, 1507.2, 1530.5, and 1531, Health and

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88569.1 INDIVIDUALIZED HEALTH CARE PLANS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

- (a) A specialized Resource Family shall not accept a child with special health care needs unless the Resource Family has obtained an individualized health care plan for the child.
- (b) An individualized health care plan shall include the following information:
 - (1) The name, address, and telephone number of the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
 - (2) The appropriate number of hours of on-site and off-site supervision and monitoring that needs to be provided by the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
 - (3) Documentation by the individualized health care plan team for a child with special health care needs that identifies the specialized in-home health care to be administered by a health care practitioner or responsible adult trained by a health care practitioner.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of a specialized Resource Family for providing specialized in-home health care, including any required training or additional training.
 - (6) Identification of any available and funded medical services that are to be provided to a child with special health care needs in the home of a specialized Resource Family which may include, but is not limited to, assistance from health care practitioners.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that are identified in the needs and services plan for the child with special health care needs or the medical assessment.

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- (c) The individualized health care plan for a child with special health care needs may be combined with the needs and services plan for the child or the individual program plan from the regional center for a child provided that all of the information required by each plan is included.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 1531, Health and Safety Code; and Sections 361.2(j)(1)(A), 17710, 17731, 17731(c), and 17732(a), Welfare and Institutions Code.

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88572.2 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE
NEEDS

- (a) A specialized Resource Family shall afford a child with special health care needs all of the personal rights specified in Section 88487.8 and the following additional personal rights:
- (1) A child with special health care needs has the right to be free of the administration of medication or chemical substances except as specifically provided in the individualized health care plan for a child.
 - (2) A child with special health care needs has the right to be free from any restraining or postural support device except as required to treat the specific medical symptoms of a child and addressed or outlined in the individualized health care plan for the child.
 - (A) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the individualized health care plan for a child. The individualized health care plan for a child shall include all of the following:
 1. The specific medical symptom(s) that require use of the restraining device.
 2. An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices.
 3. A written order by the physician of a child. The order must specify the duration and circumstances under which the restraining device is to be used.

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- (B) Postural supports as specified in Section 89475.2, subsections (a)(1)(A) through (C), and protective devices as specified in Section 89475.2, subsection (a)(2)(A), may be used if prescribed in the individualized health care plan for a child with special health care needs. The method of application shall be specified in the individualized health care plan and approved in writing by the physician for the child.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).
Reference: Sections 361.2(j)(1)(A), 16001.9, 17730 and 17736, Welfare and Institutions Code.

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88587.1 ADDITIONAL HOME AND GROUNDS REQUIREMENTS FOR SPECIALIZED RESOURCE FAMILIES

- (a) Areas in the home of a specialized Resource Family that include, but are not limited to, bedrooms, bathrooms, toilets, dining areas, passageways, and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment that the child needs.
 - (1) A bedroom that is occupied by a child with special health care needs shall be large enough to permit the following:
 - (A) Storage of the child's personal items.
 - (B) Storage of any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (C) Unobstructed bedside access for the provision of specialized in-home health care.
- (b)
 - (1) Section 88487.1(a)(8)(A) shall not apply to specialized Resource Families.
 - (2) A bedroom occupied by a child with special health care needs shall not be shared with another child or nonminor dependent who resides in the home of a specialized Resource Family if the child's need for medical services or medical condition would be incompatible with another child's or nonminor dependent's use and enjoyment of the bedroom.
- (c) When required by the individualized health care plan for a child with special health care needs, a specialized Resource Family or other adult caring for the child shall sleep in a bedroom adjacent or in close proximity to the child's room or use a monitoring device to alert the Resource Family.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 1531, Health and Safety Code; and Sections 361.2(j) - (j)(1)(C), and 17732, Welfare and Institutions Code.